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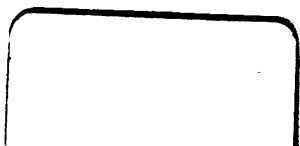
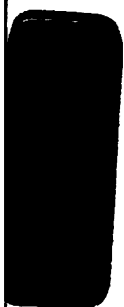
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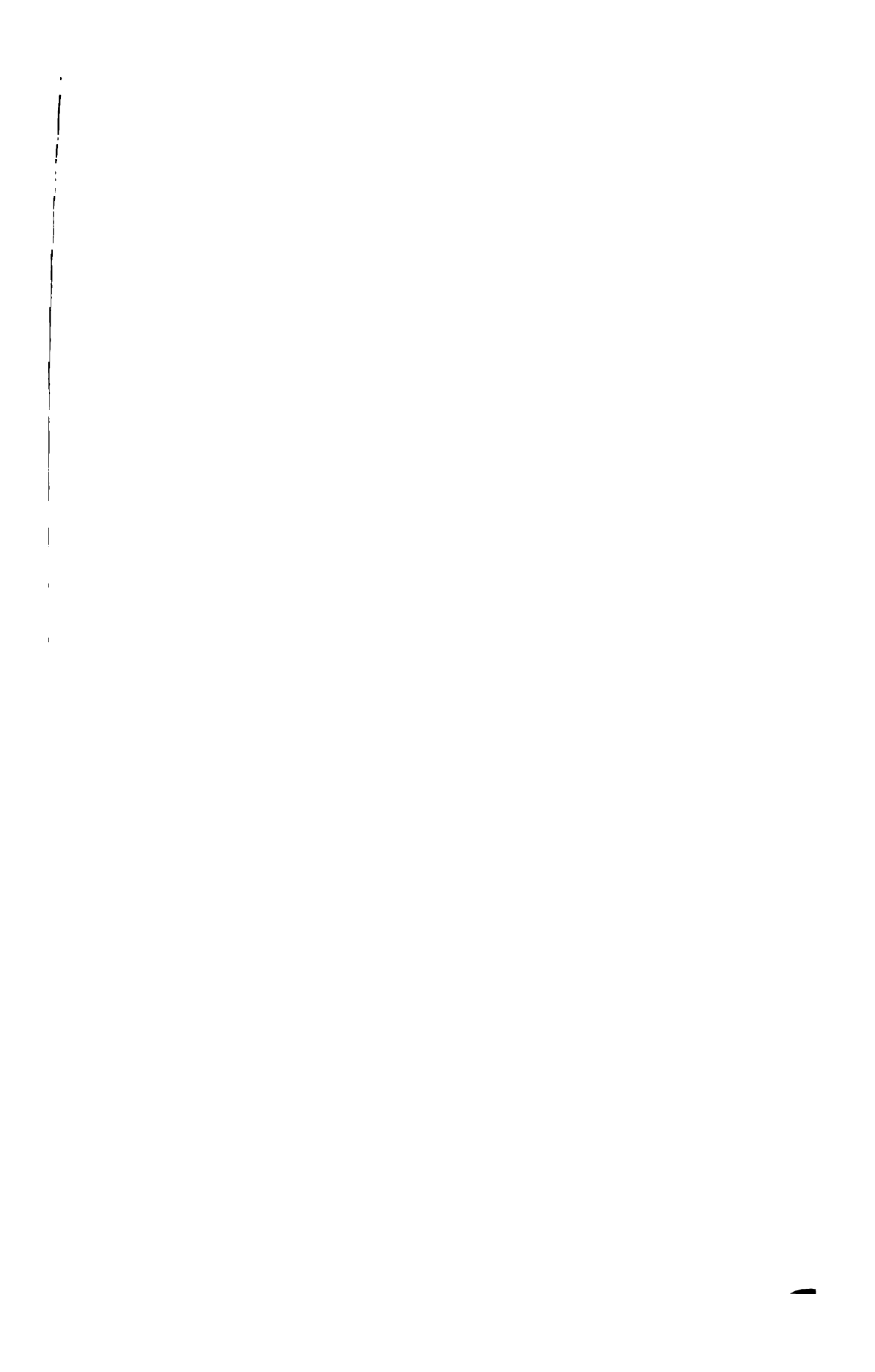
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Local and Private

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

ADJOURNED (JANUARY, 1869) SESSION OF THE GENERAL ASSEMBLY, WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT ON MONDAY, THE SECOND DAY OF DECEMBER, 1867.

Local and Private

PUBLISHED BY AUTHORITY.

Vol. 2

FRANKFORT, KY.:
PRINTED AT THE KENTUCKY YEOMAN OFFICE.
S. I. M. MAJOR, PUBLIC PRINTER.
1869.

340110-17 4-22 12204

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NOV-1 1933

340110-17 4-22 12204

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LOCAL AND PRIVATE ACTS
OF
THE STATE OF KENTUCKY,

PASSED AT THE ADJOURNED SESSION OF THE
GENERAL ASSEMBLY, WHICH WAS BEGUN
AND HELD IN THE CITY OF FRANK-
FORT ON MONDAY, THE SECOND
DAY OF DECEMBER, 1867.

J. W. STEVENSON, *Governor.*
WM. JOHNSON, *Lieut. Governor and Speaker of the Senate.*
JOHN T. BUNCH, *Speaker of the House of Reps.*
S. B. CHURCHILL, *Secretary of State.*
JOHN RODMAN, *Attorney General.*

CHAPTER 1744.

AN ACT to change the Line between the Counties of Scott and Franklin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line between the counties of Scott and Franklin be, and the same is hereby, so changed as to include the residence of Everett Stout within the limits of the county of Scott.

1869.

§ 2. That this act shall take effect from and after its passage.

JOHN T. BUNCH,
Speaker of the House of Representatives.
WM. JOHNSON,
Speaker of the Senate.

Approved March 5, 1869.

J. W. STEVENSON,
Governor of Kentucky.

By the Governor:
S. B. CHURCHILL, *Secretary of State.*

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1869.

CHAPTER 1745.

AN ACT to incorporate the Greenupsburg Building Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. F. Brown, Aldusfos Reed, W. C. Ireland, E. F. Dulin, C. Kinsler, Sebastian Eifort, John Myers, — Hodges, — Pratt, and Sanford Herron, &c., or their successors, are hereby created a body-politic and corporate, in the name and style of the Greenupsburg Building Association; and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts, and have a common seal, which they may change or alter at pleasure, and make all by-laws necessary or convenient for the regulation and government of said company and corporation, provided the same shall not be inconsistent with the Constitution of this State or the United States.

§ 2. The capital stock of said company shall not exceed fifty thousand dollars, in shares of fifty dollars each, which shall be subscribed in such manner, and paid in at such time and in such installments, as may be prescribed by said company in its by-laws, which may provide, upon the assessment of such assessment, or any part thereof, within the time fixed for the payment to the proper officer or agent of the company, appointed by them as such, to advertise and sell such delinquent shares, or so much thereof as may be necessary to pay the sums owing thereon, with incidental charges.

§ 3. That the books for subscription of stock be opened at the town of Greenupsburg, under the direction of B. F. Brown, Sebastian Eifort, W. C. Ireland, and John Myers, or some one or more of them, all of whom are appointed commissioners for the purpose of obtaining subscription to the stock of said company. The said commissioners, or such of them as shall act, to procure a book or books, which shall contain the following obligation: We, whose names are hereto subscribed, do severally bind ourselves, respectively, to pay the sum of fifty dollars for each share of stock set opposite to our names.

§ 4. That after one hundred and fifty shares be taken and paid in as such, then the corporators, or any one of them, shall give public notice of ten days to elect a president and three directors, secretary and treasurer, for said corporation, to be elected by the stockholders of the company, each share of fifty dollars representing one vote, to hold their office until the first Monday in July after the formation of this company according to this act.

§ 5. The regular election for president and directors, secretary and treasurer, shall be held the first Monday of July in each year, and, when qualified, to attend to the business.

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of said company; to purchase real estate within or near the town of Greenupsburg, to contract for the erection of buildings thereon; and, by a full board of the president and directors, sell any real estate, lots, and buildings, in the name of said company, signed by the president and secretary, for the conveyance of the same: *Provided*, That all money or moneys for the benefit of this association shall be paid in to the treasurer of said company, or such other securities as may be deposited with him, and make a report of the same; also, the inspection of the books to be open to any one of the shareholders.

§ 6. The treasurer of said company is hereby [required], when elected, and before entering upon the discharge of his duties as such, to give bond for such sum as the by-laws of said company may require; and no funds to be paid out of any fund or funds without the signatures of the president and secretary of said company.

§ 7. The directors and president of said company shall have full power, by a majority of them voting, to sell or dispose of, or by way of mortgage, to manage any real estate belonging to the company, and give notes and bonds in the name of said company, not exceeding interest at the rate of ten per cent.

§ 8. This act to take effect from and after its passage.

Approved March 5, 1869.

CHAPTER 1746.

AN ACT to incorporate the Louisville and Beargrass Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Burks, John Barret, William Ray, Robert Vance, and R. Ten Broeck, and their associates, successors, and assigns, be, and they are hereby, constituted a body corporate and politic, by the name, style, and title of the Louisville and Beargrass Railway Company, for fifty years; and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law or equity; to have a common seal, and to possess all the powers and authority incident to corporations for the purposes hereinafter mentioned.

§ 2. The corporation is hereby authorized and empowered to construct, equip, maintain, and operate a single or double track railway, with all necessary and convenient tracks, turnouts, depots, and depot buildings, &c., from some given point in or near the city of Louisville, as may be agreed to by contract or otherwise, to Middle-

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town or Brunerstown, in Jefferson county, or some intermediate point in the direction of either Middletown or Brunerstown, as may be determined on by the corporators herein named.

§ 3. The corporation shall not be liable for any baggage, or shipment for freight carried on said railways, kept in and under the care of its owner, his servant, or agent, unless the same shall be lost or damaged by the carelessness of said corporation or its agents, employees, or servants.

§ 4. The capital stock of the Louisville and Beargrass railway company shall not be less than fifty thousand dollars, and may be increased, from time to time, at the pleasure of said corporation. It shall be divided into shares of one hundred dollars each, and be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

§ 5. For the management and administration of the affairs of said corporation after the passage of this act of incorporation, and for one year from and after the establishment and location of the route of the Louisville and Beargrass railway company, the corporators herein named shall constitute the board of directors, and from the board of directors thus constituted the corporators shall designate a president, treasurer, and secretary for said corporation, who shall serve until their successors are elected and qualified as herein provided; from and after the expiration of the first year after the establishment and location of the Louisville and Beargrass railway company, as aforesaid, a board of five directors shall be chosen annually, one of whom shall be president, all of whom shall be stockholders; and the board of directors thus to be chosen by the stockholders shall continue in office for one year, and until their successors are elected and qualified. If any of the directors elected die, become disqualified, decline, or refuse to act, a majority of the other members of the said board of directors shall fill the vacancy by appointing or choosing some other stockholder in said corporation. The board of directors shall establish such by-laws, rules and regulations, for the government of said corporation, and for the management and administration of its affairs, as they may deem proper, with full power and authority to alter, amend, and abolish the same at any meeting of said board of directors convened by order of the president, not inconsistent with the provisions of this act of incorporation, and the laws of this State and of the United States. The president and directors shall have power to appoint all officers, agents, and laborers, and to require of all officers and agents so appointed to execute

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bonds with sureties, to be approved by them, conditioned for the performance of all duties of their said offices and agencies appointed as aforesaid, and for breach thereof to put said bonds in suit, or remove them at pleasure, or both. In all annual elections for a board of directors, each share shall entitle the holder to one vote; stockholders may vote by proxy, the manner and form of giving and authorizing such proxy to be regulated by the by-laws. In the absence of the president, a president *pro tem.* may be appointed to act by the board of directors.

§ 6. The corporators, or any of them, or any one so authorized by them, may open books of subscription to the capital stock of the Louisville and Beargrass railway company hereby incorporated; and such books of subscription may be opened, and subscriptions received at such time and places, and upon such notice thereof, as any two of said corporators may deem right and proper; and it shall be lawful to receive subscriptions to the capital stock of said company, payable in contracts, well secured, to build such parts of the road, or to perform such work, or furnish such materials, as may be accepted by the said company; and also to receive subscriptions to the capital stock of said company in real estate, by deed of conveyance in fee, or by a lease for a term of years.

§ 7. That the corporators herein named, after they shall have established and located the route of said Louisville and Beargrass railway company, shall cause a survey, on both sides of the said route of said railway company, to be made, in the manner and for the purposes hereinafter authorized and directed. For the first mile of said route from and beyond the corporate limits of the city of Louisville, and for one fourth of a mile on both sides of said one mile of said route, shall be surveyed, and all of the taxable property within the limits of said survey to be taxed one fourth of one per cent. on each and every one hundred dollars in value; for the second mile of said route beyond the corporate limits of the city of Louisville, and for one half of a mile on both sides of said second mile of route, shall be surveyed, and all the taxable property within said survey to be taxed one half of one per cent. on each and every one hundred dollars in value; for the third mile of said route beyond the corporate limits of the city of Louisville, and for three fourths of a mile on both sides of said third mile of route, shall be surveyed, and all the taxable property within said survey to be taxed three fourths of one per cent. on each and every one hundred dollars in value; and for the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and

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twelfth miles of said route beyond the corporate limits of the city of Louisville, and for one mile on both sides of said fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth miles of said route, shall be surveyed, and all the taxable property within said survey to be taxed one per cent. on each and every one hundred dollars in value: *Provided*, The owners of real estate, and the legal voters within the limits of said surveys as aforesaid, shall vote the tax to be levied as aforesaid, at a special election to be holden for that purpose, in the manner hereinafter provided: *And provided further*, That any and all holders of real estate along the line of said road, and within the limits proposed to be taxed, who may subscribe for the construction of said road an amount equivalent to the tax which would be assessed upon their property, shall be exempt from all taxation, and shall be entitled to vote upon the question of "Tax" or "No tax."

§ 8. That the tax receipts for payment of taxes to the Louisville and Beargrass railway, as hereinbefore provided, shall be, and the same are hereby declared to be, stock scrip; and the said tax receipts shall be convertible into stock in said company in sums of one hundred dollars, and said tax receipts or stock scrip shall be, and the same are hereby declared to be, assignable by indorsement.

§ 9. That it shall be made the duty of the judge of the county court of Jefferson county to order an election, to be holden on a day separate and distinct from the day of any general or other special election, when so demanded on the written request of the corporators herein named, first giving thirty days' notice by publication, to submit to the owners of real estate, and all legal voters within the limits of the surveys in section seven, whether they will vote to be taxed in the manner and for the amount as described and designated in the aforesaid section seven, and a majority of all the votes cast shall determine whether the said tax, as aforesaid, shall be levied; and the judge of the county court of Jefferson shall appoint judges or managers of said election, and a returning officer, who, when the vote shall have been taken, shall return the same to the said judge of the county court of Jefferson county; and if the said tax, as aforesaid, shall have been voted at said special election, then the levy shall be made as directed under section seven, and collected by the sheriff at the time and in the manner State and county taxes are collected; and when so collected, the same shall be paid over to the corporators herein, and to the officers of the said Louisville and Beargrass railway company, after the expiration of the first

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year from and after the establishment and location of the route of said railway company. All owners of real estate embraced within the limits of the said surveys under section seven, shall be allowed to vote at the said special election, except infants under the age of eighteen; and their guardians or trustees are hereby authorized and empowered to cast one vote at said special election for each ward or beneficiary; and the voters thus qualified shall vote a ballot, "Tax" or "No tax;" and the majority of ballots thus cast shall determine whether the said tax, as aforesaid, shall be levied and collected; and the "Tax," if thus voted, shall be annually levied and collected for the space of five years.

§ 10. That on every money subscription of stock to the capital stock of the said Louisville and Beargrass railway company there shall be paid, at the time of subscribing, to said corporation, or the appointed agent or agents of the corporators herein, one per cent. on the amount so subscribed; and should the subscriber to the capital stock of said railway company be liable to taxation as hereinbefore authorized and directed, then, in that event, the said subscriber shall be entitled to have deducted from the said tax, to be levied and collected as aforesaid, the amount paid in on his or her said subscription to the said capital stock of the said railway company. The corporators herein, and the board of directors, after the expiration of the first year from and after the establishment and location of the said route, as aforesaid, shall, and are hereby authorized to make calls on the subscription to the capital stock, first giving twenty days' notice by publication in any of the newspapers published in the city of Louisville, not to exceed ten per cent. in every three months, provided not more than fifty per cent. shall be demanded on calls in any one year.

§ 11. That the corporators herein, and the president and directors, may agree with the owners of any land for the right of way for said road; and if such agreement cannot be made, then said corporators are hereby invested with the right to acquire such land or right of way, by writ of *ad quod damnum*, in the same manner that turnpike companies are authorized by the one hundred and third chapter of the Revised Statutes of Kentucky, and the act amendatory thereto, as may be necessary for laying their tracks, turnouts, car sheds, stables, and depot buildings, &c. The said corporation is authorized and empowered to acquire and hold and convey real estate, exclusive of the tracks and right of way, to an amount not to exceed one hundred thousand dollars. The corporation may borrow money to an amount not to exceed the capital stock of the company, and issue

1869. bonds in sums of one hundred, five hundred, and one thousand dollars, payable in ten, twenty, and thirty years; bearing a rate of interest not greater than ten per cent. per annum, payable semi-annually; and may lease, pledge, and mortgage the property of said corporation, including railway tracks, fixtures, rolling stock, and all appurtenances and real estate belonging to said corporation.

§ 12. The rate of fare shall not exceed five cents per mile for each passenger, except when cars or carriages shall be chartered for a special purpose.

§ 13. The cars to be used on said railway shall be operated either by steam or animal power.

§ 14. The railway authorized to be constructed by this act shall be commenced within one year from and after the passage of this act, and shall be completed within three years after its commencement.

Approved March 5, 1869.

CHAPTER 1747.

AN ACT to amend the Covington and DeCourcey's Creek Turnpike Road Company, in Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Covington and DeCourcey's Creek turnpike company, as heretofore incorporated by the act to which this is an amendment, shall have power and authority to increase its capital stock to a sum not exceeding seventy thousand dollars; and may contract to receive, in payment of subscriptions, any work to be done or material furnished in and about the grading and macadamizing said road, or in the construction of any bridges, toll-houses, or other work deemed necessary to said road.

§ 2. That whenever said company shall give notice, by an advertisement in a newspaper published in Covington, that books will be opened to receive preferred stock in said company, it shall be lawful to receive subscriptions for and issue such stock, to an amount not exceeding twenty-five thousand dollars, as follows: First, all persons holding stock prior to the publication of such notice, who may, within sixty days after its publication, subscribe for additional stock, shall be preferred stockholders to the extent of such subscription; and second, after said notice shall have been published sixty days, if the amount of twenty-five thousand dollars as aforesaid shall not have been subscribed by persons previously stockholders, other persons not previously stockholders may subscribe for the amount not taken, and to the extent of such subscriptions they shall in

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like manner be preferred stockholders; and the stock thus subscribed shall be payable in such installments as the board of directors of the company may require, and be subject to like forfeiture as the original stock. Dividends may be declared quarterly, semi-annually, or annually; and the holders of preferred stock shall be entitled to a dividend at the rate of six per cent. per annum on such stock, whenever the whole net receipts shall amount to so much as will produce six per cent. on the preferred stock; and if the receipts shall be in the aggregate less than will pay six per cent. on the preferred stock, then dividends shall be made to the preferred stockholders only. Whenever the total net receipts of the company exceed an amount sufficient to pay the preferred stockholders a dividend at the rate of six per cent. per annum, then such excess shall be apportioned among the non-preferred stockholders. If the net receipts shall be at any time sufficient to pay six per cent. on all the stock, preferred and non-preferred, then the dividend shall be made to all the stock alike. The first dividend year shall be considered as commencing on the day the company begin to receive tolls; and the same day in each successive year shall be the commencement of that dividend year.

§ 3. That said company may borrow money, not exceeding twenty-five thousand dollars, on the credit of the corporation, and may pledge any or all of its property, rights, tolls, and franchises, by mortgage, for the security and payment of the interest and principal; and may issue bonds therefor at such rates of interest, and payable, principal and interest, at such times and places, as the directors of said company may deem best; and may sell and dispose of said bonds at such rates and on such terms as may seem to them for the best interest of the company. The bonds issued by the company may be made and issued convertible into the stock of the company, on such terms and conditions as the company may prescribe.

§ 4. That said company shall not exercise any of the powers granted in this act, until the stockholders of the company, at a regular meeting, or at a meeting called by the directors, have, by vote, authorized the directors to exercise the same. Notice of the intention to apply to the stockholders for their consent to the exercise of such powers, or either of them, as are herein granted, shall be given in at least one newspaper published in Covington for two successive weeks, and such notice shall state the time, place, and object of the meeting. Application may be made to the stockholders of said company for the exercise of either of the powers herein granted at different times; but it shall take a majority of all the stock subscribed to

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CHAPTER 1745.

AN ACT to incorporate the Greenupsburg Building Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. F. Brown, Aldusfos Reed, W. C. Ireland, E. F. Dulin, C. Kinsler, Sebastian Eifort, John Myers, — Hodges, — Pratt, and Sanford Herron, &c., or their successors, are hereby created a body-politic and corporate, in the name and style of the Greenupsburg Building Association; and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts, and have a common seal, which they may change or alter at pleasure, and make all by-laws necessary or convenient for the regulation and government of said company and corporation, provided the same shall not be inconsistent with the Constitution of this State or the United States.

§ 2. The capital stock of said company shall not exceed fifty thousand dollars, in shares of fifty dollars each, which shall be subscribed in such manner, and paid in at such time and in such installments, as may be prescribed by said company in its by-laws, which may provide, upon the assessment of such assessment, or any part thereof, within the time fixed for the payment to the proper officer or agent of the company, appointed by them as such, to advertise and sell such delinquent shares, or so much thereof as may be necessary to pay the sums owing thereon, with incidental charges.

§ 3. That the books for subscription of stock be opened at the town of Greenupsburg, under the direction of B. F. Brown, Sebastian Eifort, W. C. Ireland, and John Myers, or some one or more of them, all of whom are appointed commissioners for the purpose of obtaining subscription to the stock of said company. The said commissioners, or such of them as shall act, to procure a book or books, which shall contain the following obligation: We, whose names are hereto subscribed, do severally bind ourselves, respectively, to pay the sum of fifty dollars for each share of stock set opposite to our names.

§ 4. That after one hundred and fifty shares be taken and paid in as such, then the incorporators, or any one of them, shall give public notice of ten days to elect a president and three directors, secretary and treasurer, for said corporation, to be elected by the stockholders of the company, each share of fifty dollars representing one vote, to hold their office until the first Monday in July after the formation of this company according to this act.

§ 5. The regular election for president and directors, secretary and treasurer, shall be held the first Monday of July in each year, and, when qualified, to attend to the business

of said company; to purchase real estate within or near the town of Greenupsburg, to contract for the erection of buildings thereon; and, by a full board of the president and directors, sell any real estate, lots, and buildings, in the name of said company, signed by the president and secretary, for the conveyance of the same: *Provided*, That all money or moneys for the benefit of this association shall be paid in to the treasurer of said company, or such other securities as may be deposited with him, and make a report of the same; also, the inspection of the books to be open to any one of the shareholders.

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§ 6. The treasurer of said company is hereby [required], when elected, and before entering upon the discharge of his duties as such, to give bond for such sum as the by-laws of said company may require; and no funds to be paid out of any fund or funds without the signatures of the president and secretary of said company.

§ 7. The directors and president of said company shall have full power, by a majority of them voting, to sell or dispose of, or by way of mortgage, to manage any real estate belonging to the company, and give notes and bonds in the name of said company, not exceeding interest at the rate of ten per cent.

§ 8. This act to take effect from and after its passage.

Approved March 5, 1869.

CHAPTER 1746.

AN ACT to incorporate the Louisville and Beargrass Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Burks, John Barret, William Ray, Robert Vance, and R. Ten Broeck, and their associates, successors, and assigns, be, and they are hereby, constituted a body corporate and politic, by the name, style, and title of the Louisville and Beargrass Railway Company, for fifty years; and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law or equity; to have a common seal, and to possess all the powers and authority incident to corporations for the purposes hereinafter mentioned.

§ 2. The corporation is hereby authorized and empowered to construct, equip, maintain, and operate a single or double track railway, with all necessary and convenient tracks, turnouts, depots, and depot buildings, &c., from some given point in or near the city of Louisville, as may be agreed to by contract or otherwise, to Middle-

1869. town or Brunerstown, in Jefferson county, or some intermediate point in the direction of either Middletown or Brunerstown, as may be determined on by the corporators herein named.

§ 3. The corporation shall not be liable for any baggage, or shipment for freight carried on said railways, kept in and under the care of its owner, his servant, or agent, unless the same shall be lost or damaged by the carelessness of said corporation or its agents, employees, or servants.

§ 4. The capital stock of the Louisville and Beargrass railway company shall not be less than fifty thousand dollars, and may be increased, from time to time, at the pleasure of said corporation. It shall be divided into shares of one hundred dollars each, and be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

§ 5. For the management and administration of the affairs of said corporation after the passage of this act of incorporation, and for one year from and after the establishment and location of the route of the Louisville and Beargrass railway company, the corporators herein named shall constitute the board of directors, and from the board of directors thus constituted the corporators shall designate a president, treasurer, and secretary for said corporation, who shall serve until their successors are elected and qualified as herein provided; from and after the expiration of the first year after the establishment and location of the Louisville and Beargrass railway company, as aforesaid, a board of five directors shall be chosen annually, one of whom shall be president, all of whom shall be stockholders; and the board of directors thus to be chosen by the stockholders shall continue in office for one year, and until their successors are elected and qualified. If any of the directors elected die, become disqualified, decline, or refuse to act, a majority of the other members of the said board of directors shall fill the vacancy by appointing or choosing some other stockholder in said corporation. The board of directors shall establish such by-laws, rules and regulations, for the government of said corporation, and for the management and administration of its affairs, as they may deem proper, with full power and authority to alter, amend, and abolish the same at any meeting of said board of directors convened by order of the president, not inconsistent with the provisions of this act of incorporation, and the laws of this State and of the United States. The president and directors shall have power to appoint all officers, agents, and laborers, and to require of all officers and agents so appointed to execute

bonds with sureties, to be approved by them, conditioned for the performance of all duties of their said offices and agencies appointed as aforesaid, and for breach thereof to put said bonds in suit, or remove them at pleasure, or both. In all annual elections for a board of directors, each share shall entitle the holder to one vote; stockholders may vote by proxy, the manner and form of giving and authorizing such proxy to be regulated by the by-laws. In the absence of the president, a president *pro tem.* may be appointed to act by the board of directors.

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§ 6. The corporators, or any of them, or any one so authorized by them, may open books of subscription to the capital stock of the Louisville and Beargrass railway company hereby incorporated; and such books of subscription may be opened, and subscriptions received at such time and places, and upon such notice thereof, as any two of said corporators may deem right and proper; and it shall be lawful to receive subscriptions to the capital stock of said company, payable in contracts, well secured, to build such parts of the road, or to perform such work, or furnish such materials, as may be accepted by the said company; and also to receive subscriptions to the capital stock of said company in real estate, by deed of conveyance in fee, or by a lease for a term of years.

§ 7. That the corporators herein named, after they shall have established and located the route of said Louisville and Beargrass railway company, shall cause a survey, on both sides of the said route of said railway company, to be made, in the manner and for the purposes hereinafter authorized and directed. For the first mile of said route from and beyond the corporate limits of the city of Louisville, and for one fourth of a mile on both sides of said one mile of said route, shall be surveyed, and all of the taxable property within the limits of said survey to be taxed one fourth of one per cent. on each and every one hundred dollars in value; for the second mile of said route beyond the corporate limits of the city of Louisville, and for one half of a mile on both sides of said second mile of route, shall be surveyed, and all the taxable property within said survey to be taxed one half of one per cent. on each and every one hundred dollars in value; for the third mile of said route beyond the corporate limits of the city of Louisville, and for three fourths of a mile on both sides of said third mile of route, shall be surveyed, and all the taxable property within said survey to be taxed three fourths of one per cent. on each and every one hundred dollars in value; and for the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and

1869. twelfth miles of said route beyond the corporate limits of the city of Louisville, and for one mile on both sides of said fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth miles of said route, shall be surveyed, and all the taxable property within said survey to be taxed one per cent. on each and every one hundred dollars in value: *Provided*, The owners of real estate, and the legal voters within the limits of said surveys as aforesaid, shall vote the tax to be levied as aforesaid, at a special election to be holden for that purpose, in the manner hereinafter provided: *And provided further*, That any and all holders of real estate along the line of said road, and within the limits proposed to be taxed, who may subscribe for the construction of said road an amount equivalent to the tax which would be assessed upon their property, shall be exempt from all taxation, and shall be entitled to vote upon the question of "Tax" or "No tax."

§ 8. That the tax receipts for payment of taxes to the Louisville and Beargrass railway, as hereinbefore provided, shall be, and the same are hereby declared to be, stock scrip; and the said tax receipts shall be convertible into stock in said company in sums of one hundred dollars, and said tax receipts or stock scrip shall be, and the same are hereby declared to be, assignable by indorsement.

§ 9. That it shall be made the duty of the judge of the county court of Jefferson county to order an election, to be holden on a day separate and distinct from the day of any general or other special election, when so demanded on the written request of the corporators herein named, first giving thirty days' notice by publication, to submit to the owners of real estate, and all legal voters within the limits of the surveys in section seven, whether they will vote to be taxed in the manner and for the amount as described and designated in the aforesaid section seven, and a majority of all the votes cast shall determine whether the said tax, as aforesaid, shall be levied; and the judge of the county court of Jefferson shall appoint judges or managers of said election, and a returning officer, who, when the vote shall have been taken, shall return the same to the said judge of the county court of Jefferson county; and if the said tax, as aforesaid, shall have been voted at said special election, then the levy shall be made as directed under section seven, and collected by the sheriff at the time and in the manner State and county taxes are collected; and when so collected, the same shall be paid over to the corporators herein, and to the officers of the said Louisville and Beargrass railway company, after the expiration of the first

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year from and after the establishment and location of the route of said railway company. All owners of real estate embraced within the limits of the said surveys under section seven, shall be allowed to vote at the said special election, except infants under the age of eighteen; and their guardians or trustees are hereby authorized and empowered to cast one vote at said special election for each ward or beneficiary; and the voters thus qualified shall vote a ballot, "Tax" or "No tax;" and the majority of ballots thus cast shall determine whether the said tax, as aforesaid, shall be levied and collected; and the "Tax," if thus voted, shall be annually levied and collected for the space of five years.

§ 10. That on every money subscription of stock to the capital stock of the said Louisville and Beargrass railway company there shall be paid, at the time of subscribing, to said corporation, or the appointed agent or agents of the corporators herein, one per cent. on the amount so subscribed; and should the subscriber to the capital stock of said railway company be liable to taxation as hereinbefore authorized and directed, then, in that event, the said subscriber shall be entitled to have deducted from the said tax, to be levied and collected as aforesaid, the amount paid in on his or her said subscription to the said capital stock of the said railway company. The corporators herein, and the board of directors, after the expiration of the first year from and after the establishment and location of the said route, as aforesaid, shall, and are hereby authorized to make calls on the subscription to the capital stock, first giving twenty days' notice by publication in any of the newspapers published in the city of Louisville, not to exceed ten per cent. in every three months, provided not more than fifty per cent. shall be demanded on calls in any one year.

§ 11. That the corporators herein, and the president and directors, may agree with the owners of any land for the right of way for said road; and if such agreement cannot be made, then said corporators are hereby invested with the right to acquire such land or right of way, by writ of *ad quod damnum*, in the same manner that turnpike companies are authorized by the one hundred and third chapter of the Revised Statutes of Kentucky, and the act amendatory thereto, as may be necessary for laying their tracks, turnouts, car sheds, stables, and depot buildings, &c. The said corporation is authorized and empowered to acquire and hold and convey real estate, exclusive of the tracks and right of way, to an amount not to exceed one hundred thousand dollars. The corporation may borrow money to an amount not to exceed the capital stock of the company, and issue

1869. bonds in sums of one hundred, five hundred, and one thousand dollars, payable in ten, twenty, and thirty years; bearing a rate of interest not greater than ten per cent. per annum, payable semi-annually; and may lease, pledge, and mortgage the property of said corporation, including railway tracks, fixtures, rolling stock, and all appurtenances and real estate belonging to said corporation.

§ 12. The rate of fare shall not exceed five cents per mile for each passenger, except when cars or carriages shall be chartered for a special purpose.

§ 13. The cars to be used on said railway shall be operated either by steam or animal power.

§ 14. The railway authorized to be constructed by this act shall be commenced within one year from and after the passage of this act, and shall be completed within three years after its commencement.

Approved March 5, 1869.

CHAPTER 1747.

AN ACT to amend the Covington and DeCourcey's Creek Turnpike Road Company, in Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Covington and DeCourcey's Creek turnpike company, as heretofore incorporated by the act to which this is an amendment, shall have power and authority to increase its capital stock to a sum not exceeding seventy thousand dollars; and may contract to receive, in payment of subscriptions, any work to be done or material furnished in and about the grading and macadamizing said road, or in the construction of any bridges, toll-houses, or other work deemed necessary to said road.

§ 2. That whenever said company shall give notice, by an advertisement in a newspaper published in Covington, that books will be opened to receive preferred stock in said company, it shall be lawful to receive subscriptions for and issue such stock, to an amount not exceeding twenty-five thousand dollars, as follows: First, all persons holding stock prior to the publication of such notice, who may, within sixty days after its publication, subscribe for additional stock, shall be preferred stockholders to the extent of such subscription; and second, after said notice shall have been published sixty days, if the amount of twenty-five thousand dollars as aforesaid shall not have been subscribed by persons previously stockholders, other persons not previously stockholders may subscribe for the amount not taken, and to the extent of such subscriptions they shall in

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like manner be preferred stockholders; and the stock thus subscribed shall be payable in such installments as the board of directors of the company may require, and be subject to like forfeiture as the original stock. Dividends may be declared quarterly, semi-annually, or annually; and the holders of preferred stock shall be entitled to a dividend at the rate of six per cent. per annum on such stock, whenever the whole net receipts shall amount to so much as will produce six per cent. on the preferred stock; and if the receipts shall be in the aggregate less than will pay six per cent. on the preferred stock, then dividends shall be made to the preferred stockholders only. Whenever the total net receipts of the company exceed an amount sufficient to pay the preferred stockholders a dividend at the rate of six per cent. per annum, then such excess shall be apportioned among the non-preferred stockholders. If the net receipts shall be at any time sufficient to pay six per cent. on all the stock, preferred and non-preferred, then the dividend shall be made to all the stock alike. The first dividend year shall be considered as commencing on the day the company begin to receive tolls; and the same day in each successive year shall be the commencement of that dividend year.

§ 3. That said company may borrow money, not exceeding twenty-five thousand dollars, on the credit of the corporation, and may pledge any or all of its property, rights, tolls, and franchises, by mortgage, for the security and payment of the interest and principal; and may issue bonds therefor at such rates of interest, and payable, principal and interest, at such times and places, as the directors of said company may deem best; and may sell and dispose of said bonds at such rates and on such terms as may seem to them for the best interest of the company. The bonds issued by the company may be made and issued convertible into the stock of the company, on such terms and conditions as the company may prescribe.

§ 4. That said company shall not exercise any of the powers granted in this act, until the stockholders of the company, at a regular meeting, or at a meeting called by the directors, have, by vote, authorized the directors to exercise the same. Notice of the intention to apply to the stockholders for their consent to the exercise of such powers, or either of them, as are herein granted, shall be given in at least one newspaper published in Covington for two successive weeks, and such notice shall state the time, place, and object of the meeting. Application may be made to the stockholders of said company for the exercise of either of the powers herein granted at different times; but it shall take a majority of all the stock subscribed to

1869. authorize the directors to exercise either of the powers herein specified.

§ 5. This act to take effect from and after its passage.

Approved March 5, 1869.

CHAPTER 1748.

AN ACT, entitled "An act amending the Road Law of the County of Gallatin."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act approved February 3, 1865, providing a road law for the county of Gallatin, be amended as follows: That it shall be the duty of the county judge of Gallatin county to appoint some fit and competent person, who is a citizen of said county, and over the age of twenty-one years, to the office of road inspector for said county, whose duty it shall be to inspect all the public roads in said county at least twice in each year—once in the spring and once in the fall season of the year—and see that the same is kept in good order and condition for the public travel, and that they are kept open and in good traveling condition the full width that said road was originally established; and in case there is no order establishing the width of any of the roads of said county, it shall be the duty of the county court to have an order entered establishing the width thereof; and in case the said inspector should find any of the public roads out of repair, and not in good traveling condition for cattle or vehicles, it shall be his duty to at once report the fact to the county judge or county court clerk of said county, whose duty it shall be to issue process against the overseer of such road to show cause, at the next term of the county or quarterly court, which does not convene within less than five days, why said road is not kept in good traveling order; and upon his failure to show any legal cause, it shall be the duty of said court to enter a fine against such delinquent overseer, and have the same collected as provided in the act approved February 3, 1865; and in case the county judge or clerk fails to discharge their duty as provided in the original and this amended act, they may be indicted by a grand jury of said county, and tried and convicted in the Gallatin circuit court, and fined not exceeding two hundred and fifty dollars.

§ 2. Should said inspector fail to discharge his duty as above described, and report all roads so soon as he ascertains by his own view that they are not in good traveling condition, he may be summoned to appear before the county or quarterly court by the county judge or clerk,

upon the information of any person to them given, or upon their own knowledge, and tried in the same manner that overseers are tried by the provisions of the original act, and fined not exceeding two hundred and fifty dollars; and all fines under the provisions of the original and this amended act shall be collected by a *capias pro fine*, directed to the sheriff of said county, and applied by the county court to the improvement of roads or bridges in said county.

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§ 3. The road inspector, under the provisions of this act, shall receive, when in the discharge of his duty inspecting roads, the sum of two dollars and fifty cents per day for his services, to be allowed by the court of claims of said county as other claims are now allowed by law. The number of days in each year that said inspector shall be engaged not to exceed twenty, unless the county judge should otherwise order. The inspector appointed under the provisions of this act shall hold his office during the term of the present county judge, and afterwards for the period of four years, but may be removed by the county judge at any time for misconduct or neglect of duty in office.

§ 4. It shall be the duty of the county attorney to prosecute all cases arising under the provisions of this act, and shall receive twenty per cent. of all fines recovered under the same, when he appears and actually prosecutes, but not otherwise; and in all cases when the same is dismissed at defendant's cost, there shall be an attorney's fee taxed of two dollars and fifty cents.

§ 5. The same proceedings may be had against overseers, upon information given by any other person than the inspector.

§ 6. It shall be the duty of the county court clerk to make out, on or before the first day of March, each year, and give to the inspector, a list of all the public roads established or that may be hereafter established in said county, with the widths of the same as established by the county court.

§ 7. This act to take effect from its passage.

Approved March 5, 1869.

CHAPTER 1749.

AN ACT to incorporate the Four Mile and Twelve Mile Turnpike Road Company, in Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry Miller, George Brill, Thomas Henson, Geo. F. Truesdell, John Webber, Wm. Utha, Peter Ens-

1869. wiler, Lewis Herbert, and Peter Kort, and their associates and successors, be, and they are hereby, created a body-politic and corporate, and under the name and style of the Four Mile and Twelve Mile turnpike road company; and by said name and style shall have power to contract and be contracted with, sue and be sued, and have all powers incident to corporations of like character.

§ 2. The said company is hereby authorized and empowered to construct a turnpike road from Newport and Twelve Mile turnpike road, at the crossing of the Five Mile county road of same, at or near Five Mile, to the mouth of Brush creek, to intersect the Alexandria and Flagg Spring turnpike road; and in order to secure the funds necessary to construct the same, shall have power to raise a sum not exceeding twenty-five thousand dollars, to be divided into shares of fifty dollars each.

§ 3. The books for the subscription of stock shall be opened at Peter Kort's, on Four Mile creek, Campbell county, Kentucky, and at such other place as shall be deemed best, under the direction of the persons heretofore named, all of whom are hereby made commissioners for the purpose of obtaining subscription to the capital stock of said company; and they shall be provided with a book or books, which shall contain the following obligation, to be signed by every person who shall take stock in said corporation, viz: We, whose names are hereunto subscribed, do severally bind ourselves to pay to the president and directors of the Four Mile and Twelve Mile turnpike road company the sum of fifty dollars for each and every share of stock set opposite our names, in such manner as specified in the subscription of stock to same, and in such proportion and at such times as shall be required by the president and directors of said company; and in signing this obligation, we grant the right of way for said road.

§ 4. When the president and directors shall be chosen as hereinafter provided, they shall have full control of said book or books, and may cause the same to be opened, from time to time, until the stock shall be subscribed.

§ 5. That as soon as a majority of said commissioners shall be of opinion that a sufficient amount of stock is subscribed to justify the commencement of said road, they shall call a meeting of the stockholders, and hold an election for president and five directors, who shall hold their offices for one year, and until their successors are chosen: *Provided*, That should a vacancy occur, the remaining directors shall fill the same by appointment; and should the office of all the directors become vacant, the stockholders shall call a meeting to elect their successors. The directors shall have power to appoint a secretary and treasurer, and require them to give bond for the performance of their duties.

§ 6. That said road shall not exceed thirty feet in width, but may be reduced to twenty at cuts and fills; metal not less than twelve feet in width. And when two and a half miles of said road are completed, the company may erect a gate or gates at such points as they deem proper, and charge the usual rates of toll, to be applied to the construction of said road. 1869.

§ 7. The provisions of the Revised Statutes regulating turnpike companies, and not inconsistent with the provisions of this act, shall be part hereof.

§ 8. This act to take effect from its passage.

Approved March 5, 1869.

CHAPTER 1750.

AN ACT providing for a Tax to assist in completing and building Turnpike Roads in Anderson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That to facilitate the completion, extension, and construction of any turnpike road which is now unfinished, or the construction of which may hereafter be undertaken by any turnpike company in the county of Anderson, or by any company which may hereafter be formed for the purpose of building any turnpike road in said county; and to enable any such company to speedily put such extension or construction of such road under contract, the county court of said county may levy on all real estate within one mile of said turnpike road (on each side of said road or roads) an ad valorem tax of five dollars on each one hundred dollars' worth subject to taxation for State revenue; and also an ad valorem tax of two dollars and fifty cents on each one hundred dollars' worth subject to taxation for State revenue, on all real estate lying within two miles of such road (on either side of said road): *Provided*, That no such tax shall be levied until an election shall be held, and a majority of the legal voters residing or owning land in such district, of two miles on each side of such proposed turnpike road, shall have voted in favor of said tax.

§ 2. The county judge of Anderson county shall, upon the application of any turnpike company formed, or to be hereafter formed in said county for the construction of any turnpike road in said county, appoint three commissioners, who shall register all the legal voters residing or owning land within two miles of the location of such road, and assess the real estate and fix the value thereof, subject to taxation under this act; said commissioners shall make such registration and assessment, and return

1869. the same to the county court within at least two months from the date of their appointment. Upon the return of the report of said commissioners, the county court shall order an election to be held at any point within said district, as convenient as possible to all the voters registered as aforesaid; said order shall state the time and place of said election, and the years for which the taxes are to be levied; and shall direct the clerk of said election to put the question in plain words to each voter offering to vote, "Are you for or against the turnpike tax?" Copies of said order, with true lists of the registered voters, shall be posted in at least five of the most public places in such voting district, for at least twenty days next before the holding of said election. At the time said order is made, the court shall appoint officers to hold said election, who shall be governed in holding the same by the laws now regulating general elections in this State; said officers shall be furnished with a list of the voters registered as aforesaid, and shall allow none others to vote at said election. The poll-book of said election shall be returned by the sheriff of said election to the county court clerk; and the county judge of said county shall constitute a board to examine, revise, and count said vote; and if, upon a comparison of said poll-book with the list of registered voters, it shall appear that a majority of said registered voters have voted in favor of said tax, the county court shall levy the same as aforesaid, and list said taxes with the sheriff of Anderson county for collection; and said sheriff shall receive and collect said taxes, and pay the same over to the president or agent of any turnpike company for whose benefit the same has been levied, within six months from the date at which he receives said lists; and for any default of said sheriff under this act, he and his sureties shall be liable to suit on his official bond as sheriff; and said suit or suits shall be brought in the name of the president of any turnpike company, for whose benefit the taxes on account of which said sheriff may be in default shall have been levied for the benefit of such turnpike road; such company shall recover in such suit or suits the amount of taxes collected by said sheriff for the benefit of such company, or which he could have collected by due diligence, with the same interest, costs, and damages now allowed by law against sheriffs for failing to collect and pay over the county levy; said sheriff shall be allowed for collecting said taxes the same commissions allowed by law for the collection of the county levy.

§ 3. It shall be lawful for the sheriff of Anderson county, in the collection of the taxes, the levy of which is provided for in this act, to levy on and sell the real estate

assessed for such taxation, should the owners thereof fail or refuse to pay said taxes within three months from the time said sheriff receives the lists of said taxes for the payment thereof. In the sale of such real estate for the payment of such taxes, the sheriff shall advertise the same for the time and in the manner prescribed by law in the sale of similar property under execution; and he shall make said sales at the court-house door in Lawrenceburg, on the first day of some county or circuit court for said county. The sale shall be for cash; and in all cases where the sheriff shall levy on and sell land for the payment of such taxes, he shall, in addition to the expense of advertising, collect ten per cent as his commission: *Provided, however,* That nothing in the third section of this act shall apply to orphans, infants, and idiots.

1869.

§ 4. It shall be lawful for any person whose real estate has been sold for the payment of taxes as aforesaid, or person claiming under him, to redeem the same by paying the amount of said taxes and costs, and ten per cent. thereon, in one year from the date of sale, except married women, who shall have two years from the removal of disability to redeem in, by paying said taxes and costs, and ten per centum per annum thereon. Said payments shall be made to the purchaser of the land sought to be redeemed. If any property be sold as aforesaid, and shall remain unredeemed as provided above, it shall be the duty of the sheriff, at the expiration of the time of redemption, to execute to the purchaser of the same his deed, in which he shall set forth the consideration for the execution of said deed and the boundary of the land sold, and which remains unredeemed, and thereby invest the said purchaser with the legal title to the same; and if said sheriff shall fail or refuse to execute said deed, the purchaser may coerce the execution thereof by petition in equity in the Anderson circuit court.

§ 5. Where the tax above provided for is levied for the extension of any turnpike road, any part of which has been constructed prior to such levy, no part of such tax shall be levied on the real estate lying along the sides of that part of the road which has been so constructed prior to said levy, or within two miles on either side of the same; but such taxes shall only be levied on the real estate lying within two miles on either side of that part of such road as is not constructed at the time such tax is levied; and the voters living or owning real estate along-side of that part of the road excluded from being taxed shall have no voice in any election held under the second section of this act, unless he shall also be the owner of real estate within the district to be taxed, as provided in this act.

1869.

§ 6. The tax-payers who pay taxes under this act shall be stockholders in the turnpike company for whose benefit said taxes shall have been levied to the amount of the taxes they shall pay; and the sheriff shall give to each tax-payer a separate receipt for such taxes as he shall pay under this act, which receipt shall be assignable; and upon the production of twenty-five dollars' worth of said receipts, the clerk of said road shall enter upon the books of said company that amount of stock to the holder thereof.

§ 7. All expenses incurred in assessing real estate, registering voters, and of holding elections under this act, shall be paid by the turnpike company upon whose application the said assessments and registration are made and said election is held, including the fees of the officers holding said election and the fees of the clerk of the county court.

§ 8. This act shall take effect from its passage.

Approved March 5, 1869.

CHAPTER 1751.

AN ACT to incorporate the Warsaw and South Fork Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed and created a body-politic and corporate, under the name and style of the Warsaw and South Fork Turnpike Company, for the purpose of constructing a turnpike road from Warsaw, in Gallatin county, to some point on the South Fork of Big Bone creek, in said county.

§ 2. The capital stock of said company shall not exceed thirty thousand dollars, and shall be divided into shares of twenty-five dollars each.

§ 3. William Payne, James H. McDanell, Emory Hobbs, Jonathan Howe, William Turley, Oliver Elmore, Elijah Hogan, Dudley Whitson, John Clements, Jeremiah Deane, Addison Gibson, D. Dawley, and William Hance, are appointed, jointly and severally, commissioners to solicit subscriptions of stock in said company, at any time after the passage of this act, at such places as they may think best. The subscribers shall, on the books of the commissioners, subscribe their names to the following obligation, to-wit: We, whose names are hereunto subscribed, do respectively promise to pay to the president and directors of the Warsaw and South Fork turnpike company twenty-five dollars for each share of stock set opposite to our names, at such times and in such installments as said president and directors may require. Witness our hands

this — day of —, 1869. Which amounts shall be collectable in the proper courts.

1869.

§ 4. It shall be lawful for the Gallatin county court, a majority of the justices in commission being present and concurring, and the trustees of the town of Warsaw, by such agents as they may appoint, to subscribe stock in said company to such amounts as said court and said trustees shall direct. They shall also have the right to borrow money to pay for said stock: *Provided*, That no greater rate of interest shall be paid thereon than ten per centum per annum.

§ 5. So soon as ten thousand dollars are subscribed to the capital stock of said company, it shall be the duty of the commissioners, or a majority of them, to fix a time and place for a meeting of the stockholders, at which they may proceed to elect a president and five directors for said company, each stockholder being entitled to one vote for each share of stock subscribed by him.* Said president and directors shall continue in office for one year, and until their successors are elected. The times and places for all future elections shall be fixed by the president and directors for the time being. A majority of the board shall be competent to transact business.

§ 6. So soon as organized, said president and directors, under the name and style of the Warsaw and South Fork turnpike company, shall be a body-politic and corporate, and invested with all the rights usually conferred on similar bodies in Kentucky, especially all that are conferred on the Warsaw turnpike company by an act of incorporation approved February 12th, 1849, from the sixth to the eleventh section thereof, inclusive: *Provided*, That the rate of toll on said road shall conform to the general turnpike laws of Kentucky on that subject.

Approved March 5, 1869.

CHAPTER 1752.

AN ACT to amend the Charter of the Independence and Colemansville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fourth, fifth, and sixth sections of an act, entitled "An act to amend the charter of the Bank Lick turnpike road company," passed the present session of the Legislature, be, and the same is hereby, made to embrace and apply to the charter of the Independence and Colemansville turnpike road company.

1869.

§ 2. That it shall not be lawful for the president or any of the directors of the Independence and Colemansville turnpike company to pass through any of the toll-gates on said turnpike, or cause to be passed through said gates by them, any cattle or teams that are now required by law, or that may hereafter be required by law, to pay toll on said road, without first paying such toll as is required by law of others to pay: *Provided*, That nothing in this act shall prevent the president, or any director, from passing through said gates free when on exclusive business of said road; and if the president, or any director, shall violate the provisions of this section, the person so offending shall be liable to pay not less than five dollars nor more than ten dollars for each offense, recoverable before any justice of the peace having jurisdiction thereof, in the name of the Commonwealth; one half of said fine to go to the informer, and the other half into the treasury of said company.

§ 3. That hereafter it shall not be lawful for any stockholder to vote for himself for any office to be filled by said company or by said board, or assign his stock, or give his proxy to any one to vote for him for any of the aforesaid offices; nor shall it be lawful for the president to hold at the same time any other office belonging to said board; nor shall he, or any of the directors aforesaid, be contractors or superintendent of said pike, or any part thereof, whilst acting as president or director of said turnpike company: *Provided*, That any of said board may do any repairing to said road by an order entered on their record, setting forth what repairs are to be done by them, and fixing the price for the same; and any member of the board, or the president, or any stockholder, who shall violate any of the provisions contained in this section, shall be liable to a fine of not less than fifty dollars nor more than two hundred dollars for each offense, recoverable before any court having jurisdiction thereof, by suit, in the name of the Commonwealth, one half of said amount to the informer, and the other half to the Commonwealth.

§ 4. That so much of the charter of the Independence and Colemansville turnpike company as conflicts herewith, and no more, is hereby repealed.

§ 5. That this act shall take effect from its passage.

Approved March 5, 1869.

CHAPTER 1753.

1869.

AN ACT to amend an act, entitled "An act to establish a Levy and County Court for Jefferson County," approved February 23, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court for Jefferson county shall have original jurisdiction, at law only, of civil actions and special proceedings, hereafter instituted in said county, not involving the title or possession of real estate, where the recovery sought for is money or personal chattels, and where the amount in controversy, exclusive of interest and costs, shall exceed fifty and not exceed one hundred dollars; and this jurisdiction shall be exclusive as to the Jefferson court of common pleas, but concurrent as to justices of the peace, so far as they have jurisdiction in such cases. But this does not prevent the joinder of causes of action where the same may give jurisdiction, nor the assertion of a claim or right by a defendant by way of set-off or counter-claim.

§ 2. Said county court shall also have exclusive jurisdiction of appeals from justices of the peace in said county; also of bonds given on distress warrants and attachments for rent taken or sued out in said county, where the amount in controversy in said distress warrants and attachments, exclusive of interest and costs, shall exceed fifty and not exceed one hundred dollars; also of attachments for rent for the same sum; also of motions and proceedings on said bonds or attachments; and to said court such appeal shall be taken, and such bonds and attachments returned.

§ 3. All cases provided for in the next previous section, which are pending and undetermined in the Jefferson court of common pleas when this act takes effect, shall be transferred, by an order or orders of said court, to said county court of Jefferson county; and it shall then be the duty of the clerk of the Jefferson court of common pleas at once to return to the clerk of said county court all the papers in said cases on file in his office, together with a certified copy of all orders therein, and a memorandum of his fees against each party.

§ 4. It shall be the duty of the clerk of said county court to receive and file said papers, copy, and memorandum; and the cases shall proceed as other cases in said court. The execution, or whatever judgment is rendered, shall include the costs in said memorandum of the successful party as part of the costs in the case, and the same shall be subject to correction, and there shall be the same official responsibility for its correctness, as in other cases.

§ 5. All judgments rendered in the Jefferson court of common pleas before this act takes effect, in cases like those provided for being transferred as aforesaid, when

1869. pending and undetermined, may be enforced, and all subsequent proceedings thereon may be had, as if this law had not been enacted.

§ 6. All parts of the act of which this is amendatory, and all amendments thereof not in conflict with this act, except the third section of the act of February 25, 1860, which is hereby repealed, are hereby revived and re-enacted, so as to carry out the purposes of this act; and so much of an act, entitled "An act to establish a court of common pleas for the county of Jefferson," and of all amendments thereof, including so much of an act, entitled "An act to increase the jurisdiction of the Jefferson court of common pleas," and of all other acts, as conflicts with this act, are hereby repealed.

§ 7. This act shall take effect on the first day of March next.

Approved March 5, 1869.

CHAPTER 1754.

AN ACT to provide for Indexing certain Records in Jefferson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county clerk of Jefferson county shall cause to be made out a new index and cross-index to the records of deeds and mortgages in said county, in which there shall be set opposite the index entry of each deed or mortgage such brief description of the property as will serve to indicate its locality and quantity. He shall receive therefor a compensation to be fixed by the judge of the county court of said county, the judge of the Jefferson court of common pleas, and the chancellor of the Louisville chancery court, to be apportioned between the city of Louisville and county of Jefferson, in the proportion in which other court expenses have been heretofore apportioned.

§ 2. All indexes of deeds and mortgages in said county for the future shall be made upon the plan indicated in section first of this act.

§ 3. It shall be the duty of the clerk of the county court of Jefferson county to enter each deed and mortgage upon the index as soon as the same is received for record and entitled to be recorded; and the page at which it is recorded shall be added after such deed or mortgage is recorded, so that the index shall, at all times, show every deed and mortgage in the office, whether recorded or not.

§ 4. Said clerk shall also cause to be prepared and kept for public use an index, upon the plan required in section first of this act, of the unrecorded deeds now remaining

in his office, which, for any reason, have been refused record; and hereafter, when any deed shall remain unrecorded for three months, it shall be entered upon such index; and whenever any deed in said index shall be afterward recorded, such recording, and the book and page of the same, shall be noted on said index; and for making said index, so far as deeds now in the office are concerned, the compensation shall be fixed, assessed, and paid in the same manner as is in the first section of this act provided.

1869.

§ 5. This act shall be in force from and after its passage.

Approved March 5, 1869.

CHAPTER 1756.

AN ACT to amend the Charter of the Town of Calhoon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Calhoon, in McLean county, be, and the same is hereby, so amended that the trustees of said town be authorized to tax coffee-house license in a sum of not more than one hundred or less than twenty-five dollars.

§ 2. This act to take effect from its passage.

Approved March 5, 1869.

CHAPTER 1758.

AN ACT for the benefit of Tate's Creek Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said company shall be, and they are hereby, authorized to erect a toll-gate between the Kentucky river and the point where the Nicholasville turnpike intersects the Tate's Creek turnpike, and to collect half tolls at said gate.

§ 2. This act shall take effect from its passage.

Approved March 5, 1869.

1869.

CHAPTER 1759.

AN ACT to amend an act, entitled "An act to incorporate the Mayslick and Murphysville Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of an act, entitled "An act to incorporate the Mayslick and Murphysville turnpike road company, in Mason county," be, and the same is hereby, so amended, that when stock enough is subscribed to complete one mile of said road, the corporators therein named may organize a company, and do or perform all other acts authorized by that charter.

§ 2. This act to take effect from its passage.

Approved March 5, 1869.

CHAPTER 1760.

AN ACT for the benefit of P. A. Lyon.

WHEREAS, Judgment was obtained against J. A. L. Boyer, late clerk of the Logan circuit court, on account of taxes from October 5th, 1863, to August 22d, 1864, and in said judgment damages were assessed to the amount of nineteen dollars and forty-seven cents; and also, judgment was obtained against the said J. A. L. Boyer, for taxes from the 23d August, 1864, to the 28th August, 1865, and in said judgment damages were assessed to the amount of fifteen dollars and ten cents; and whereas, said damages, amounting to thirty-four dollars and fifty-seven cents, were paid by P. A. Lyon, the surety of said J. A. L. Boyer, on his official bond as clerk aforesaid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Auditor is hereby directed to draw his warrant upon the Treasurer, in favor of the said P. A. Lyon, for the aforesaid sum of thirty-four dollars and fifty-seven cents.

§ 2. This act shall take effect from its passage.

Approved March 5, 1869.

CHAPTER 1761.

1869.

AN ACT to authorize Amanda Burnett to establish a Ferry across the Big Sandy River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Amanda Burnett be, and she is hereby, allowed the right to establish and keep a ferry across the Big Sandy river, at or near her present place of residence, and may charge and collect such toll or ferriage as may be fixed by order of the Floyd county court: *Provided*, Said Amanda Burnett shall execute such bond as is now required by law.

§ 2. This act shall take effect from its passage.

Approved March 5, 1869.

CHAPTER 1764.

AN ACT, entitled "An act to amend the Charter of the Town of Mount Sterling."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of said town, and their successors in office, shall have power to levy and collect an ad valorem tax of not exceeding one quarter per cent. per year upon all the real estate situate within the boundaries thereof, and upon the estate of residents of said town other than real estate lying outside of the corporate limits thereof, and personal estate used in farming outside of said limits.

§ 2. That the trustees of said town, and their successors in office, shall have power to borrow any sum of money, not exceeding one thousand dollars, and to give their corporate obligation to pay the same, which shall be enforceable as other similar corporations.

§ 3. This act shall take effect from and after its passage.

Approved March 5, 1869.

CHAPTER 1765.

AN ACT to repeal an act, entitled "An act for the benefit of Eliza A. G. Ross."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of Eliza A. G. Ross," approved January 30, 1866, be, and the same is hereby, repealed

§ 2. This act shall take effect from and after its passage.

Approved March 5, 1869.

1869.

CHAPTER 1766.

AN ACT to establish the Valley Ferry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That L. M. Flournoy and William H. Green, their heirs and assigns, are hereby authorized and shall have the sole and exclusive right to establish and keep a ferry across the Ohio river from any land said L. M. Flournoy and William H. Green, their heirs or assigns, may hold by lease or purchase in Ballard county to the city of Cairo, in the State of Illinois.

§ 2. This act shall take effect from and after its passage.

Approved March 5, 1869.

CHAPTER 1767.

AN ACT for the benefit of the Lexington, Harrodsburg, and Perryville Turnpike Road Company.

WHEREAS, The Commonwealth of Kentucky is a stockholder in the Lexington, Harrodsburg, and Perryville turnpike road company; and it is represented to the General Assembly that it is necessary to the completion and efficiency of the said Lexington, Harrodsburg, and Perryville turnpike road that a bridge shall be built across the Kentucky river on the line of said road, and that the State will be greatly benefited thereby as a stockholder in said company; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the General Assembly hereby gives its assent for the purpose; and the said Lexington, Harrodsburg, and Perryville turnpike road company, and its directors, are hereby authorized and directed to use the earnings of said road company, or so much thereof, as they may deem expedient, for a period of not exceeding seven years after the passage of this act, in the construction of a bridge across the Kentucky river on the line of said road: *Provided, however*, Said bridge shall be seventy feet above low water-mark on said river at said point.

§ 2. That the said company is hereby authorized to charge tolls for crossing said bridge; but the same shall not exceed the present rates of ferriage across said river at said point.

§ 3. This act shall be in force from its passage.

Approved March 5, 1869.

CHAPTER 1769.

1869.

AN ACT to revive and extend an act, entitled "An act for the benefit of J. H. Terrell, administrator of G. B. Grundy, deceased."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act of March 2, 1867, entitled "An act for the benefit of J. H. Terrell, administrator of G. B. Grundy, deceased," be revived and continued in force for two years after the passage of this act, which shall go into effect immediately.

Approved March 5, 1869.

CHAPTER 1769.

AN ACT to apply the General Mechanics' Lien Law to Hart County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act providing a general mechanics' lien law for certain cities and counties," approved February 17, 1858, together with the acts supplemental and amendatory thereto, be so amended as to apply the provisions of said act and amendments to Hart county.

§ 2. This act shall be in force from its passage.

Approved March 5, 1869.

CHAPTER 1770.

AN ACT for the benefit of Thos. R. Russell, Jailer of Trigg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of twenty-nine dollars be, and is hereby, appropriated to Thos. R. Russell, jailer of Trigg county, for boarding Mary Ann Barnett after she had been adjudged a lunatic by the Trigg county court, and for taking her to the Western Lunatic Asylum, at Hopkinsville; and the Auditor is hereby required to draw his warrant for said sum, in favor of said Russell, on the Treasurer, which shall be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 5, 1869.

1869.

CHAPTER 1771.

AN ACT to amend the Charter of the Winchester and Lexington Turnpike Road Company.

WHEREAS, On the 12th day of October, 1867, Jacob Hughes, Wm. R. Estill, James R. Warnall, and other individuals in the Winchester and Lexington turnpike road company, signed a written instrument, authorizing the directors of said company to subscribe for thirty shares of the capital stock of the Winchester and Red River Iron Works turnpike road company; and whereas, the mayor and board of councilmen of the city of Lexington gave their written ratification and consent thereto; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the directors of said Winchester and Lexington turnpike road company be, and they are hereby, authorized, at any of their regular or called meetings, to subscribe for thirty shares of the capital stock of the Winchester and Red River Iron Works turnpike road company. And be it further enacted, that any subscription of stock in said Winchester and Red River Iron Works turnpike road company, not exceeding thirty shares, which may have been heretofore made by the directors of the Winchester and Lexington turnpike road company upon their record book, be, and the same is hereby, assented to, ratified, and confirmed.

§ 2. This act shall take effect from and after its passage.

Approved March 5, 1869.

CHAPTER 1772.

AN ACT for the benefit of the Mechanics in Casey County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of the mechanics' lien law, approved February 17th, 1858, and the amendment thereto, approved June 3d, 1865, be, and the same is hereby, extended to the county of Casey.

§ 2. This act to take effect from and after its passage.

Approved March 5, 1869.

CHAPTER 1773.

1869.

AN ACT to construct a Turnpike Road from Fox Run to Tucker's Shop.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel McWilliams, A. F. Searce, David Burton, J. F. Collier, and James Price, be, and they are, appointed a board of managers to build a turnpike road from or near Fox Run to or near Tucker's Shop, on the Shelbyville and Eminence turnpike.

§ 2. And that they may be better enabled to construct said road, shall have and be entitled to all the rights, powers, and privileges of an act approved February 8, 1834, organizing the board of internal improvement for Shelby county; said act shall be applicable to this road so far as is not inconsistent hereof: *Provided*, Said managers shall have the right to determine and agree the width of said road, and the width and depth of the stone, also the degree of elevation at which said road shall be graded: *Provided further*, Said elevation shall exceed four degrees.

§ 3. This act to take effect from its passage.

Approved March 5, 1869.

CHAPTER 1774.

AN ACT for the benefit of James Gillim, of Carter County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of sixty dollars, and thirty cents is hereby appropriated to James Gillim, of Carter county, for expenses in conveying a lunatic from said county to Lexington, Kentucky. The Auditor is hereby authorized to draw his warrant on the Treasurer for said amount, to be paid out of any money not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved March 5, 1869.

CHAPTER 1775.

AN ACT to amend the Charter of the Northeastern Kentucky Agricultural and Mechanical Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of directors of the Northeastern Kentucky Agricultural and Mechanical Association shall have power to forfeit the stock of any stockholder for the non-payment of any call or calls that have been or may hereafter be made for the payment of stock due. Before

1869. making such forfeiture, notice of the call or calls of stock that have been made, or that may be made, and also the intention to forfeit, shall be published in the Big Sandy Herald; and if any stockholder fail or refuse, after such notice, or shall so fail after personal notice in writing, for thirty days, to make payment of the stock required, the board of directors may then forfeit the entire stock, paid and unpaid, for the benefit of the company.

§ 2. This act shall take effect from its passage.

Approved March 4, 1869.

CHAPTER 1775½.

AN ACT for the benefit of John H. Burdett, of Carter County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of forty dollars and thirty cents is hereby appropriated to John H. Burdett, of Carter county, for acting as guard in conveying a lunatic from Carter county to Lexington, Kentucky. The Auditor is hereby authorized to draw his warrant on the Treasurer for the said amount, to be paid out of any money not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved March 5, 1869.

CHAPTER 1776.

AN ACT to amend the Police Laws and Charter of the Town of Independence.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act concerning the police judge and marshal of New Castle," approved March 9, 1867, be, and the same is hereby, made applicable to the police judge and police court of the town of Independence, in the county of Kenton: *Provided*, That nothing in this act shall be so construed as to prevent the trial of any town ordinance, or other suits which may be tried, and governed by the laws now in force governing other courts of similar jurisdiction in the county of Kenton.

§ 2. That sections five to twenty-seven, inclusive, and sections twenty-nine to thirty-one, inclusive, of an act, entitled "An act to reduce into one the several acts in regard to the town of Lancaster, and for other purposes," approved March 9, 1867, are hereby made to embrace and apply to the town of Independence, and to the police judge, and to

the police court of Independence, in the county of Kenton, which shall hereafter be governed by the provisions in said sections: *Provided*, That nothing contained therein shall be so construed as to conflict or repeal anything contained in section first of this act. 1869.

§ 3. That the police judge of the town of Independence is hereby empowered to appoint an agent to execute any process that he may be authorized by law to issue, which shall be as binding and effectual, and be governed by the laws that govern officers in the execution of like process: *Provided*, That no such appointment shall be made unless the party requiring such process shall first make oath that he verily believes that justice cannot be had, unless the process be immediately executed, and that no officer authorized by law to execute the same can be had; which appointment shall be indorsed on the process to be by him executed.

§ 4. That the jailer for Kenton county is hereby authorized to receive into the jail at Independence any and all persons committed by said police judge for violations of any ordinances of the trustees of the town of Independence, in the same manner, and receive his fees for the same, as though they had been committed under the statute laws; and all commitments and services heretofore done in conformity herewith are hereby made legal.

§ 5. That if any vacancy shall occur in the office of police judge of the town of Independence by death, resignation, removal, or from any other cause, it shall be lawful for the Governor to appoint and commission some suitable person to act during the unexpired term; and all appointments for vacancies heretofore filled, and all official acts done under the same, are hereby made legal.

§ 6. That only so much of the previous acts, or parts of acts, as conflict herewith, are hereby repealed.

§ 7. That this act shall take effect from its passage.

Approved March 5, 1869.

CHAPTER 1777.

AN ACT to re-enact an act, entitled "An act for the benefit of Sarah S. Fowler, of Livingston County," approved 30th January, 1850.

WHEREAS, An act was passed by this General Assembly, entitled "An act for the benefit of Sarah S. Fowler, of Livingston county," approved 30th January, 1850, and doubts have arisen whether or not said act is repealed by the Revised Statutes; and, in order to remove said doubts, now,

1869. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an act, entitled "An act for the benefit of Sarah S. Fowler, of Livingston county," approved 30th January, 1850," be, and the same is hereby declared to be, in full force, and is hereby re-enacted.

§ 2. This act shall take effect from and after its passage.

Approved March 5, 1869.

CHAPTER 1778.

AN ACT to authorize the Marshal of the Town of Cloverport to appoint a Deputy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the marshal of the town of Cloverport may, if he deems proper, and is hereby authorized, to appoint a deputy marshal, who shall take an oath for the faithful discharge of his duties in the Breckinridge county court.

§ 2. This act shall take effect from its passage.

Approved March 5, 1869.

CHAPTER 1779.

AN ACT to charter the Murray and Pine Bluff Turnpike or Gravel Road, in Calloway County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby incorporated a gravel road company, by the name and style of the Murray and Pine Bluff Gravel Road Company, for the purpose of building a macadamized or gravel road from the boundary of the town of Murray, on the road leading to Pine Bluff, thence to run the most practicable route to Pine Bluff.

§ 2. The capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same, to be divided into shares of fifty dollars each.

§ 3. The books for subscription of stock shall be opened by R. F. Hamlin, B. H. Brandon, Joseph Miller, W. J. Stubblefield, D. C. Nutt, and R. F. Nix, or a majority of them, who are hereby appointed commissioners for that purpose, at such times and places as they, or a majority of them, may deem proper. They shall insert an obligation in the subscription books as follows: "We, whose names are hereunto subscribed, severally promise to pay to the

! Company in-
corporated.

Capital stock.

Commission-
ers to receive
subscription of
stock.

Obligation of
subscribers.

president and directors and company of the Murray and Pine Bluff turnpike road company the sum of fifty dollars for each share of stock set opposite our names, in such manner and proportions, and at such times, as shall be by them required under the law incorporating said company, to be collected as other debts. Witness our hands this — day of —, 18—.”

1869.

§ 4. That said commissioners or board of directors shall have power to receive donations and subscription in land at agreed value, which land they shall have power to hold, sell, lease, or mortgage for the benefit of said road.

May receive donations, &c.

§ 5. When the sum of four thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of said commissioners named above to give notice, in such manner as they may think proper, of a meeting of the stockholders of said company, at such time and place as may be specified in said notice, for the purpose of electing a president and five directors. One vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year, and until their successors are elected and qualified. The time of all elections, after the first election, shall be fixed by the president and directors; and a majority of the board shall be competent to do business.

When president and directors to be elected.

§ 6. So soon as said company is organized by the election of officers, the president and directors shall be a body-politic and corporate, by the name and style of the Murray and Pine Bluff Gravel Road Company; and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding therein capital stock, and increase the profits thereof; and taking and holding, by purchase or gift, all lands, tenements, and hereditaments, real or personal property, as may be necessary for the prosecution of their work or the objects of this corporation; they shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in any court of law or equity, or elsewhere; also to have and use a common seal, and to do all and any act or thing which a corporation may lawfully do to effect the objects for which this corporation is created.

Body-politic, and corporate powers.

§ 7. Said president and directors shall fix and regulate the elevation and grades of said road; the width and the part thereof to be covered with stone or gravel; shall designate the place of erecting toll-gates; may fix the rates of toll; may regulate and change the same; but said rates shall not exceed those prescribed by the general law. The president and directors shall have power, after two miles and one half of said road shall have

Elevation and grade.

Rates of toll, &c.

1869. been completed, to erect a toll-gate and collect toll, and apply the proceeds thereof to the completion of the road.

§ 8. The president and directors, with their surveyors, engineers, and work-hands, are hereby authorized and empowered to enter in and upon the lands and inclosures, public roads and highways, in, through, and over which the intended road may pass, and to examine and survey the grounds most proper for that purpose; and examine quarries and beds of stone or gravel, or other material necessary for the construction of said road.

§ 9. It shall be lawful for the president and directors, with their superintendents, engineers, and work-hands, with their instruments, tools, wagons, carts, and beasts of draught or burden, to enter upon the land in and over, contiguous and near which said road shall pass, having first given notice of their intention to owners or occupiers or agents: *Provided*, That if the president and directors shall not agree with owners of the land through which said road is to pass as to the damages which the owners sustain by the road passing through their lands, the president and directors shall apply to the county court of Calloway county for a writ of *ad quod damnum*, to assess the damages which may be sustained by the owner or owners of said land; and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors, to make said road, to dig and carry away any stone or other material necessary for the construction of said road.

§ 10. The president and directors shall appoint a secretary and treasurer, and such other officers as they may deem necessary, with such compensation for their services as they may deem just, who shall hold their offices for the term of one year, and until their successors be appointed and qualified. The treasurer of said company, before he enters upon the duties of his office, shall give bond in such penalty as the president and directors may require, payable to themselves, conditioned to pay over any amount in his hands to the order of said president and directors.

§ 11. This act shall take effect from and after its passage.

Approved March 5, 1869.

CHAPTER 1780.

1869.

AN ACT for the benefit of A. L. Morton, Clerk of Ohio Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Alonzo L. Morton, clerk of the Ohio circuit court, be authorized to make a general cross-index of the suits and records in his office, and that he be allowed a reasonable compensation therefor, to be paid by the county court of Ohio county.

§ 2. This act to take effect from its passage.

Approved March 6, 1869.

CHAPTER 1781.

AN ACT to amend the Charter of the City of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the terms of all the city officers which are for a period of one year only, and which are elective by a vote of the people, shall hereafter be for two years instead of one: *Provided, however,* That nothing in this act shall be construed so as to extend the terms of said offices until the times for which the present incumbents have been elected shall have expired, according to the laws now existing in relation thereto.

§ 2. That elections to fill all ward and city offices shall hereafter be held on the first Monday in August, instead of the first Saturday in January, of each year, as now provided by law; but the commencement of the terms of each of said offices shall be the same as now fixed by law.

§ 3. That at all elections as herein provided, where city and county or State officers are at the same time to be elected, there shall be but one set of judges and a sheriff at each voting place in the city of Covington, to be appointed as now provided by law at county and State elections, and two clerks, one appointed by the city council of Covington, who shall record the votes, in a book kept for that purpose, which shall be cast for city officers, and the other clerk to be appointed by the county judge of Kenton county, as now required by law, who shall record all the votes cast for county and State officers. The book in which the votes cast for city officers are recorded shall be furnished by the city council, and the other book, in which the votes cast for county and State officers are recorded, to be furnished by the county of Kenton; and the city

1869. and county shall each pay one half the costs of the judges and sheriffs at the precincts in the city of Covington; and each shall pay for its own clerk and poll-books as now provided by law.

§ 4. That the city council of Covington shall be, and is hereby, authorized and empowered to issue the bonds of said city for any sum not exceeding six hundred thousand dollars, payable at such times and places, and bearing such rate of interest, not exceeding eight per centum per annum, as said council may determine; and may sell, hypothecate, or otherwise dispose of the same, for the purpose of raising money, to be used in procuring a supply of water for said city, by the construction of water-works in connection with the city of Newport, Cincinnati, Ohio, or with both, or on account of said city of Covington alone; and all moneys or other thing realized by the sale, hypothecation, or other disposition of said bonds, or any part thereof, shall be used and applied for the purpose aforesaid, and for no other object or purpose whatever: *Provided*, That no such bonds shall be issued by the said city of Covington until the question of issuing the same shall have been first submitted to the qualified voters thereof at some general election in said city, or at a special election ordered by the council for that purpose, of which election at least ten days' previous notice must be given. The city council shall have power to prescribe by ordinance or resolution the manner of conducting said election, and ascertaining the result thereof; and if it shall be found that a majority of the votes cast are in favor of the issue of said bonds, the same may be issued as herein-before provided.

Approved March 6, 1869.

CHAPTER 1782.

AN ACT to amend an act, entitled "An act to incorporate the Bank of Cadiz."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section four of an act, entitled "An act to incorporate the Bank of Cadiz," be, and the same is hereby, amended, by adding thereto the following, viz: Said Bank of Cadiz may buy and sell gold and silver, bills of exchange, promissory notes, uncurrent money, stock bonds, stocks of all kinds, mortgages, and all other evidences of debt, and take personal and other securities for the payment of same; and all promissory notes and inland bills of exchange, which may be discounted and owned by said bank, shall be, and are hereby, put upon the same footing of foreign bills of

exchange; and like remedy may be had thereon, jointly and severally, against the drawers and indorsers, as in like cases are made and provided by law. And said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid; and said bank may acquire, hold, and use all such real estate, goods and chattels, as may be necessary and convenient for the transaction of its business, or which may be conveyed to it as surety for any debts, or purchased in satisfaction of any debts, judgments, or decrees, and sell and convey the same; and may buy its own stock in payment of a debt, judgment, or decree, and may resell the same. And no loan or discount shall be made to any stockholder to pay any call or balance due on his stock. And every stockholder shall be individually liable to the creditors of the bank to the full amount of stock subscribed for and owned by him; but when the same shall have been paid for in full, then no individual liability shall attach to such stockholder. And if the president, cashier, teller, clerks, or other officers of said bank, shall appropriate any of the funds of said corporation to his own use, or shall unlawfully fail to make correct entries, or knowingly make false ones, of the books of the bank, with intent to cheat or defraud the bank or any person, or to conceal any improper appropriation of funds, the person or persons so offending shall be deemed guilty of felony; and, upon conviction thereof, be sentenced to confinement in the penitentiary of this Commonwealth for a period of not less than one nor more than ten years.

§ 2. This act shall take effect from its passage.

Approved March 6, 1869.

CHAPTER 1783.

AN ACT to provide for the collection of Railroad Tax in Nicholas County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the presiding judge of Nicholas county, at any regular or special term of the county court of said county, to appoint a suitable person as collector and receiver of any railroad tax which may be levied upon the taxable property of said county, to pay stock subscribed on behalf of said county, who shall receive such compensation for his services as shall be agreed upon by said collector and receiver and said judge, not exceeding the sum which will be equal to one per cent. upon the amount of taxes which may be received by him. Said collector and receiver shall execute bond, payable to the Commonwealth, in sufficient penal-

1869.

1869.

ties and with good securities, to be approved by the said county court (the presiding judge constituting said court), conditioned for the faithful collecting (as required by this act) and paying over the amounts collected, and for the proper performance of all his duties under this act.

§ 2. That it shall be the duty of the persons upon whose property in said county railroad taxes may be levied, to pay the amount thereof to said collector and receiver, at his office or place of business, in Carlisle, between the 15th day of July and the 25th day of November, of each year; each tax-payer shall receive from the collector and receiver a certificate of the amount of tax paid by him to the collector and receiver, at the time of payment; and all such payments shall be transferable by indorsement; and any certificate or certificates amounting to fifty dollars, shall entitle the holder to one share of stock in the railroad company, for stock in which the taxes may be levied by the presiding judge of said county.

§ 3. It shall be the duty of said collector and receiver, within ten days after the 25th day of November in each year, to list with the sheriff of the county the railroad tax lists remaining unpaid, whose duty it shall be to collect the same, with ten per cent. damages added to each list as compensation to the sheriff for making the collections; and in making said collections, the sheriff shall have the same powers as are given collecting officers by the seventh section of an act, entitled "An act to authorize the counties of Bourbon, Nicholas, and Fleming to subscribe stock in the Maysville and Lexington railroad company, northern division," approved February 1, 1868, subject to the right of redemption in case of sale by the sheriff of real estate to pay said taxes, as is given by the seventh section of said act.

§ 4. It shall be the duty of the sheriff, when collections shall be made by him, to give to the tax-payer a certificate of the amount paid by him, setting forth in such certificate what amount is tax and what damages, which certificates, when amounting to fifty dollars in tax (exclusive of damages), shall entitle the holder to one share of stock as provided by the second section of this act. He shall have seventy days from the time the tax lists are received by him to collect and pay over the taxes listed with him for collection, to the collector and receiver, and shall be subject to the same penalties and amercements for a neglect of duty as sheriffs are subject to for a failure to collect and pay over the State revenue, and the remedy shall be by motion in the county court, in the name of the collector and receiver, against the sheriff and his sureties in his official bond, or by suit in

the name of the collector and receiver upon said bond, 1869.
in the Nicholas circuit court.

§ 5. The money received by the collector and receiver shall be paid over by him to the railroad company, and he shall take said company's receipt for the amount so paid, and the company's obligation to the county court of Nicholas to issue stock to the tax-payers upon the surrender of the tax receipts, in sums of fifty dollars or even shares of stock; and he shall procure stock for tax-payers, who shall leave their own or assigned certificates with him for that purpose, in sums of fifty dollars, and he shall indorse on the railroad company's receipt and obligation the amount of stock issued.

§ 6. This act shall take effect from and after its passage.

Approved March 6, 1869.

CHAPTER 1784.

AN ACT to authorize the County Court of Lawrence County to impose additional Taxes, and to authorize them to issue Bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of enabling the county court of Lawrence county to erect a new court-house, and such other public buildings as they may deem necessary, it shall be lawful for said court, a majority of the justices of the peace for said county being present and constituting part of said court, to impose an additional tax upon the assessed value of all the property in said county liable to revenue tax, not to exceed the rate of forty cents on each one hundred dollars' worth of property, and an additional tax on each male over the age of twenty-one years, not to exceed two dollars per annum, for such number of years, beginning in the year 1869, as the said court may deem proper for the purposes aforesaid; but the powers conferred under this act shall not extend for a longer time than five years after the passage of this act.

§ 2. That the taxes aforesaid, when so levied by the said county court, shall be collected by the sheriff of Lawrence county, in the same manner that the county levy and revenue tax of said county are now collected by said officer; and the same liens shall exist for this purpose as now exist for the county levy and revenue tax; and the sheriff and his sureties shall be liable for the collection and payment of the same to the same extent that they are now by law liable for the collection of the county levy; and those having right to demand or receive the same from said sheriff shall have the same rights and remedies

1869. against said sheriff and his sureties for said moneys, or any part thereof, that county creditors now by law have against them.

§ 3. The funds arising from the taxes hereby authorized shall be denominated the "Court-house Fund;" shall be kept separate from the other funds of the county, in the orders and accounts of said county, and shall be applied to the erection and repairs of such public buildings as the county court of said county have or may hereafter cause to be erected or done, and for no other purposes.

§ 4. That it shall and may be lawful for said county court, a majority of the justices of the peace being present and concurring, to authorize the county clerk of said county to execute and deliver to any contractor for the erection or repairs of public buildings the obligation of said county for not less than fifty dollars nor more than one thousand dollars, payable at such time as may be directed by said court, not exceeding five years from their date; and the clerk may execute and deliver such obligations to such contractor as may undertake any of such public buildings; and the said obligations shall be executed by the clerk of the county court, and shall be payable to the order of such contractor to whom it is delivered, and shall be transferable by indorsement thereon as promissory notes are, and shall express on its face that it is payable out of the court-house fund; and the legal holder of the same shall have all the rights and remedies against the sheriff and his sureties that other creditors of the county now have by law against the same parties; and the sheriff and his sureties shall be liable to the same damages for failing to pay the same to which they are by law liable for failure to pay other creditors.

§ 5. The clerk of the county court shall preserve a minute of the obligations so executed and delivered, and specifying the dates, amounts, and names of the parties to whom delivered, which shall be reported to and entered at large in the orders of the next regular monthly term of the county court; but the sheriff and all other county officers are hereby prohibited from purchasing said obligations for a sum less than the amount specified to be paid therein; and for so doing, they shall be fined, on presentment of the grand jury, not less than fifty nor more than five hundred dollars.

§ 6. That the county clerk, by direction of the county court, a majority of the justices of said county concurring, may issue the bonds of said county, payable in not less than one nor more than five years, in sums not exceeding five hundred dollars, bearing interest at the rate of seven per cent. per annum, payable annually out of the court-house fund, which bonds, when issued, shall be transfer-

able, and shall be signed by the county clerk, under the seal of his office; said bonds may be sold by said clerk at not less than ninety cents upon the dollar. The county court shall have power to issue such bonds in such denominations as they see proper, not exceeding the sum prescribed, and for no greater period of time than is prescribed by this act, not exceeding twenty thousand dollars, and shall be payable in the town of Louisa at maturity out of the court-house fund.

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§ 7. This act to take effect upon its passage.

Approved March 6, 1869.

CHAPTER 1785.

AN ACT to prevent Deer-driving in that portion of Lyon County lying between the Cumberland and Tennessee Rivers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That after the first day of May, 1869, no person not a resident of that portion of Lyon county lying between the Cumberland and Tennessee rivers, except persons who are residents or land-owners in said territory, shall deer hunt or hunt foxes or other wild animals, with hounds or other dogs, only at such times and at such places, and in such manner, as the residents or land-owners of said portion of Lyon county shall designate.

§ 2. Any person who shall violate or disregard this act shall be indictable by the grand jury of Lyon county, and, upon conviction, shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars for each offense.

§ 3. This act shall take effect from and after its passage.

Approved March 6, 1869.

CHAPTER 1786.

AN ACT to incorporate the Town of Pembroke, in Christian County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Pembroke, in the county of Christian, be, and is hereby, incorporated, with the following limits, to-wit: "The lines running parallel with the Evansville, Henderson, and Nashville railroad, and crossing the same at right angles, including one mile square, and the center of the town being at the point where the tobacco road to Clarksville crosses said railroad."

1869. § 2. That John C. Billingsly, A. G. Slaughter, James Richardson, Dr. Junius O'Brien, and D. S. Hord, are hereby appointed trustees for said town, who, with their successors in office, are hereby created a body-politic and corporate, under the name and style of the trustees of the town of Pembroke; and under that name may sue and be sued, plead and be impleaded, in all the courts of this Commonwealth; may own, buy, sell and convey real estate, both within and without said corporate limits, for church, school, and cemetery purposes.

§ 3. That the trustees above named shall continue in office one year, and until their successors are elected and qualified; at the expiration of which time, the county judge of Christian county shall appoint two judges, one clerk, and a sheriff, citizens of the town of Pembroke, to hold an election for trustees of said town; and the certificate of the clerk and sheriff shall be evidence of the election.

§ 4. All qualified voters living within the corporate limits, or any qualified voter owning real estate within the corporate limits of said town, shall be entitled to vote in the election of trustees, and all other town officers.

§ 5. That said trustees shall take an oath faithfully to attend to all the duties of their office. They shall elect a clerk, who shall enter at large, upon a book kept for the purpose, the proceedings of each meeting. They shall elect a treasurer, and take bond, with security; and for violation of duty on the part of any officer of said town, they may be proceeded against before any tribunal having jurisdiction thereof.

§ 6. The trustees shall have power to levy a tax, not exceeding fifty cents, on each poll within its corporate limits, and not more than ten cents on each one hundred dollars' worth of property in said town subject to taxation; and all moneys arising from said taxation, and fines arising under this act, shall be applied by said trustees to the improvement of the streets and alleys of said town.

§ 7. That [on] the first Saturday in May, 1869, the board of trustees shall order an election, giving ten days' previous notice, for a police judge and town marshal; and thereafter the police judge shall be elected when the county judge is elected, and hold office for the same length of time. The town marshal shall be elected the same time constables are elected, and hold office for the same time; to take the oath and give the bond, and in all respects to be liable as constables are liable.

§ 8. The poll-book of the said election shall be returned by the clerk to the judge of the Christian county court at the first term after said election, and the result shall be certified by the judge of said court to the Secretary of State,

and the Governor shall issue a commission to that person who may be elected police judge, who shall take the same oath taken by the county judge; and in all civil cases shall have the same jurisdiction as a justice of the peace, be subject to the same rules and regulations, and be entitled to the same fees; and in all criminal cases arising in the town, shall have the same jurisdiction as a justice of the peace, and be entitled to the same fees; and in all violation of town regulations, shall have the same jurisdiction and be entitled to the same fees as a magistrate for the same services.

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§ 9. The police judge shall hold a court for the trial of civil causes on the first Tuesday in March, June, September, and December of each year; and all warrants or processes in civil causes issued by him shall be returned for trial before him, unless the defendant shall otherwise direct, in writing, indorsed and assigned by him in said warrant or process. It shall be the duty of the said judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace.

§ 10. The town marshal shall execute all processes issued by the police judge of the said town, and be entitled to the same fees as constables for similar services; and may execute any process issued by any magistrate of the county, and have concurrent jurisdiction with the constables within and for said county.

§ 11. A majority of the trustees shall constitute a quorum to do business. They shall have power to make all by-laws for the government of the town not inconsistent with the laws of this Commonwealth, or the laws or Constitution of the United States. In case a vacancy should occur in the board by death, or otherwise, an election, after ten days' notice by the chairman of the board, shall be held to fill said vacancy; and in case the police judge or town marshal's office should be vacated, by death or otherwise, the trustees shall proceed to order an election for said officer, giving ten days' previous notice of said election, appointing the necessary officers to conduct it, in all respects as hereinbefore provided for; and the police judge and town marshal so elected shall serve until the next regular election.

§ 12. That the powers of taxation herein granted shall only extend to real estate within the corporate limits of said town, which is now or may hereafter be divided and laid off into town lots.

§ 13. The trustees of said town shall, before they enter upon their duties, take an oath, before some officer authorized to administer oaths, to discharge the duties of their

1869. office faithfully and impartially, to the best of their abilities.

§ 14. The Legislature reserves the right to alter, amend, or repeal this act.

§ 15. This act to be in force from its passage.

Approved March 6, 1869.

CHAPTER 1787.

AN ACT to regulate the Assessment of Railroad Tax in McCracken County.

WHEREAS, It costs McCracken county, annually, a large sum of money to have a separate assessment for county railroad tax made; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the McCracken county court shall cause a book or books to be made out from the books of the State assessor for said county, or from said books and the book or books of the assessors, made by the assessor of Paducah for city railroad or for city corporation taxes.

§ 2. The judge of said court shall have ample power to have such assessment made from the said various tax books, or from any other source, and add to, from time to time, and may have the valuations increased or diminished; but said county court may, if satisfied from examination or proof that errors have been made by the person or persons making said books of assessment, either in omitting names or improperly assessing property, or over or undervaluing the same, to have it corrected: *Provided*, That said judge shall have no power to alter or change any assessment unless notice shall have been given, for at least ten days, to the party to be affected thereby, or to his agent.

§ 3. All assessments for railroad purposes in said county shall be of the actual cash value, in gold or silver coin, of the property assessed; and any person feeling himself aggrieved by any assessment, may make application by motion to the county court for a correction of the same; and, from the judgment of said court, an appeal may be taken by the party to the McCracken circuit court, in the same manner as now provided by law in other cases regulating appeals.

§ 4. This act to take effect from its passage.

Approved March 6, 1869.

CHAPTER 1788.

1869.

AN ACT to incorporate the Green County Agricultural and Mechanical Association.

WHEREAS, Divers persons of the county of Green have organized an association, under the name of the Green County Agricultural and Mechanical Association, for the purpose of promoting agriculture, horticulture, and the mechanic arts in all their branches; and for that purpose have adopted a constitution and chosen a president, vice president, and directors to control the affairs thereof; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said association be, and it is hereby created a body-politic and corporate, with perpetual succession, under the name and style of the "Green County Agricultural and Mechanical Association;" and by that name may sue and be sued, in all courts of law or equity, and shall be capable of acquiring, by purchase or otherwise, any quantity of land not exceeding fifty acres, and improve, sell, and convey the same, or any part thereof, at pleasure; may acquire such personal estate as may be deemed necessary and proper for the purposes of said association, and may dispose of the same as may be deemed best; and may adopt a corporate seal, and change the same at pleasure.

§ 2. That the president and directors already chosen shall continue in office until the third Monday in April, 1869, and until their successors are elected and qualified, at which time, and annually thereafter, unless the members of the association shall, by resolution, fix a different time, an election of a president, vice president, and five directors shall be held: *Provided*, Said association may increase or diminish the number of directors at any annual meeting. The capital stock of the company shall be two thousand dollars, divided into shares of fifty dollars each; and every stockholder present at the annual meeting, either in person or by proxy, shall be entitled to one vote for each share held by him.

§ 3. That the prudential, fiscal, and other concerns of said association shall be under the control and management of the president and directors; and they shall have the power to appoint such other officers as the association may determine to be necessary in carrying out the purposes thereof; and said association shall have power to make such regulations and by-laws for the government of themselves and all their property, not inconsistent with the Constitution and laws of this Commonwealth, as in their opinion will contribute to the success of the purposes thereof, and to alter or repeal the same at pleasure;

1869. and to amend or change their constitution at any regular or annual meeting.

§ 4. Any three of the directors, and the president or vice president, shall be a quorum for the transaction of business, unless said association shall, by resolution passed at an annual meeting, require a different number.

§ 5. That said association may, under the direction of the president and directors, issue certificates of stock to those who have subscribed and paid in the same, which may be transferred in such manner as the president and directors may prescribe; and may, annually, or oftener, if desirable, at or near Greensburg, Green county, Kentucky, hold fairs for the exhibition of the products of the soil, specimens of the mechanic arts, of useful and domestic animals, and whatever else serves to represent the labor and industry of the country, and may award such premiums as they may deem necessary and proper.

§ 6. No member shall be liable, in his individual property, either real or personal, for the debts of said corporation; but all property of every kind and description, belonging to said association, shall be liable for all proper demands against the company.

§ 7. Said association shall have power and authority to prohibit the sale or use of intoxicating liquors during the holding of its fairs, on any of the grounds of said association, or on any lot, street, public road, alley, or lands within one half mile of the grounds of said association; and the marshals appointed by said association, or the civil officers, shall arrest all persons violating this section, and carry them before any magistrate of Green county, who shall try them; and, if found guilty, they shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50), to be collected as other fines assessed in said magistrates' courts of this Commonwealth.

§ 8. This act to be in force from and after its passage.

Approved March 6, 1869.

CHAPTER 1789.

AN ACT to authorize the Montgomery County Court to levy an ad valorem Tax to aid the Mt. Sterling and Spencer Turnpike Company in said County in paying for a Bridge over Slate Creek.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Montgomery county, a majority of the justices of the peace for said county being present at a regular term of said court, or at a special called term of said court, and concurring therein, shall have power to levy a tax of not exceeding ten cents

on each one hundred dollars' worth of property in said county, liable for taxation for revenue purposes in each year. This is for the purpose of aiding the Mt. Sterling and Spencer Creek turnpike road company in paying for the erection of a bridge across Slate creek; and the money thus raised shall be applied to no other purpose. 1869.

§ 2. That the sheriff of Montgomery county shall collect the said tax at the same time, and in the same manner, by distress or otherwise, that he is required by law to collect the State revenue; and shall, in each year, account for the said tax at the same time that he is now by law required to account for the county levy, and shall receive the like commissions for so doing; and he and his sureties shall be responsible for the non-collection or non-payment of the same, in the same manner and to the same extent that they are responsible for the State revenue; and the Montgomery circuit court shall have jurisdiction, by motion, to render judgment for the same and damages.

§ 3. This act shall take effect from its passage.

Approved March 6, 1869.

CHAPTER 1790.

AN ACT to amend an act, entitled "An act to authorize McLean County to vote on the Road Tax."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the levy court shall elect a superintendent of the roads in each voting precinct of the county of McLean, who shall hold their offices for two years, and whose duty it shall be to oversee all county roads within their respective precincts, keep them in good order, build all necessary bridges on county roads, remove all obstructions which may be placed upon any such roads, and open or change any road or roads that the county court may direct.

§ 2. That said superintendents shall be empowered to hire as many hands as may be necessary to perform the necessary work on said roads, and they shall pay the smallest wages possible to hire good suitable hands, and shall also be empowered to purchase all necessary tools and implements with which to perform said work; and said tools or implements shall belong to the precinct the money of which purchased the same, and shall be under the control of the acting superintendent of said precinct.

§ 3. That said superintendents shall make a full report of all the work they have performed, all the tools or implements they have purchased, and the full cost of such work and tools or implements, and all other expenses

1869. necessary to the full performance of their duties on said roads, and a full report of the number of days they were engaged in performing their duties upon the roads, to the county judge.

§ 4. That said superintendents shall be paid a reasonable compensation, to be fixed by the county court.

§ 5. That said levy court, at their annual session, shall assess a tax of not more than five cents on each one hundred dollars' worth of taxable property, and not more than two dollars on each person now required by law to work roads in said county.

§ 6. That said county levy shall be collected by the sheriff of the county as any other county levy, and he shall pay out the same in discharge of the liabilities incurred by the superintendents for labor, tools, or implements purchased by them, upon the certificate of the superintendents to the laborer or seller of the tools or implements, showing the number of days or the amount and character of tools and implements bought, and their price; and the obligations of the sheriff shall be the same under this act as they now are in relation to the county levy, as prescribed by section six, article two, chapter twenty-six, Revised Statutes: *Provided*, That the sheriff take up and pay no such certificate until the same shall be indorsed approved by the presiding judge of the county court; and he shall have credit in his annual settlement for no certificate that shall not be thus indorsed.

§ 7. The money thus raised in each voting precinct shall be appropriated to the improvement of the county roads in said precinct; whenever, however, it may occur that the tax in any precinct shall be more than sufficient to keep its county roads in good order, then the superintendent of said precinct may appropriate any surplus to the repair of the main county roads leading to the county seat, lying outside of said precinct.

§ 8. That this act shall take effect whenever it shall receive a majority of the votes cast in said county. The county judge shall, at the first general election in the county, and as often thereafter as he may think necessary, cause a vote to be taken, each voter being allowed to vote for or against the bill, as he may desire.

Approved March 6, 1869.

CHAPTER 1791.

1869.

AN ACT to incorporate the Highland Cemetery.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Vincent Shinkle, John F. Fisk, George H. Yates, Charles H. Whitcomb, John Galbaugh, A. J. Gray, Peter Beall, A. N. Wexelberg, and Thomas Reed, sr., together with their associates, successors, and assigns, be, and are hereby, created and made a body-politic and incorporate, under the name and style of "The Highland Cemetery," with perpetual succession; and by that name they shall have power to contract and be contracted with, sue and be sued, have and use a corporate seal, the same to break, alter, and change at pleasure; make and alter, amend and change, such by-laws and regulations as they may deem wise and proper, not against or in conflict with the Constitution and laws of the United States or of the State of Kentucky; and in general may do all other acts and things necessary and proper for effecting the object of their incorporation, which is to provide a place of repose for the dead. The board of directors hereinafter mentioned may, by a vote of a majority of the whole board, at any regular meeting within three years after the first organization, change the name of the cemetery.

Company
incorporated,
and corporate
powers.

§ 2. Any person may become a member of this corporation by subscribing to the cemetery fund, for the purpose of buying and planning the tract of land for the use of the cemetery, or, after the first organization, by becoming the owner of one or more cemetery lots, as the same shall be laid off by the board of directors; and such subscription or the ownership of a lot shall entitle the subscriber or owner of a lot to one vote at all meetings; but no member shall have more than one vote.

How persons
may become
members, &c.

§ 3. The affairs of this corporation shall be managed by a board of directors, consisting of nine persons, members of the corporation, to be elected by ballot. A majority of all the votes cast shall elect. The first election shall be held at such time and place as the incorporators may designate. They shall name three of their number to act as judges of the election. The judges shall report to the incorporators, and they shall judge and determine from such report of the legality of the election, and determine who have and who have not been elected. After the first election, the duties herein devolved upon the incorporators shall devolve upon and be discharged by the board of directors in office at the time of any election. The incorporators and directors shall, in some newspaper published or circulating in Kenton county, give at least ten days' notice of the time and place of the election, and the names of the judges. The directors elected shall, by

Who to man-
age affairs of
company.

First election,
&c.

Other elections

1869. the incorporators or directors for the time being, be notified in writing of their election, and of the time and place when and where they shall meet to enter upon the discharge of their duties. Immediately after the first election, the board shall be divided by lot into three classes, consisting of three each. The first class shall hold their office until the next annual meeting thereafter; the second class a year longer than the first; and the third class a year longer than the second, so that at each annual meeting after the first election, there shall be three directors chosen, to serve for three years; and all vacancies previously existing shall be filled; but in case of failure to elect, those directors previously in office shall hold over until their successors are elected; and in case of a vacancy occurring between any two annual meetings, the board shall have power to fill such vacancy until the next annual meeting. A quorum of the board for all purposes shall be five persons.

Annual meetings.

§ 4. The annual meeting for the election of directors shall be held on the first Monday of October in each year, unless a day different therefrom shall be fixed by the board of directors; but special meetings may be called by the president, at the request in writing of three directors, of which the same notice shall be given by advertisement in the same manner as is prescribed in section three hereof for the election of directors, unless otherwise provided for by proper by-laws of the incorporation.

President, secretary, &c., to be elected.

§ 5. The board of directors shall, at their first meeting after each annual election, elect by ballot a president from their own body, and two persons from the members of the corporation, not directors, to act as secretary and treasurer. These officers shall hold their office for one year, and until their successors shall be appointed and qualified; and the treasurer shall give bond, with surety, to be approved by the board, in such sum as the by-laws shall direct, for the faithful performance of his duties.

May purchase and hold land, &c., which is exempt from taxation, &c.

How proceeds of sale of lots to be used.

§ 6. This corporation is authorized to purchase, or take by gift or devise, and hold land exempt from execution, and from any appropriation to public purposes, for the sole purpose of a cemetery, not exceeding three hundred acres, which land shall be exempt from all taxation. After paying for such land, all future receipts, whether from the sale of lots, from donations, or otherwise, shall be applied exclusively, under the direction of the board, to laying out, preserving, protecting, embellishing the cemetery, and the avenues leading thereto, and to paying the necessary expenses of the corporation. No debts shall be contracted in anticipation of future receipts, except for buying, originally laying out, inclosing, and embellishing the grounds and avenues, for which a debt or debts may be contracted

sufficient for the original purchase, in such an amount as may be necessary therefor; but for the other purposes herein mentioned, not exceeding five thousand dollars in the whole at any one time, to be paid out of future receipts; and no lots shall be sold by the corporation on credit, but the board of directors shall have power to appropriate lots for the interment of such meritorious persons, not members, as they may see proper.

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§ 7. The original conveyance of lots from the corporation to individuals shall be evidenced by a certificate, signed by the president and countersigned by the secretary, under the seal of the corporation, specifying that such a person is the owner of such a lot; and such certificate shall vest in the proprietor, his heirs and assigns, a right in fee simple to such lot, exempt from execution, attachment, taxation, or any other claim, lien, or process whatever, for the sole purpose of interment, under the regulations of the corporation; and said certificates shall have the same force and effect as deeds duly executed in other cases, and may be recorded and certified. Copies thereof shall be evidence, as in other cases; and said lots, or such portions thereof as may be prescribed by the board of directors, and with their assent, may be conveyed by deed, in due form of law, for the sole purpose of interment as aforesaid; but no original certificate shall be granted to any person who does not produce a receipt from the treasurer that he has paid for his lot in full; nor shall any person be the proprietor of more than three lots at the same time, unless by the unanimous consent of the directors.

Certificates
of sale of lots
to issue, &c.

§ 8. For the purpose of convenient selection and description, the board of directors shall cause a plat to be made of the lots to be disposed of for interment, designating such lots by consecutive numbers; which plat shall be recorded on the books of the corporation, and in a deed-book of the records of the Kenton county court clerk, in the Covington office. The original sale and choice of lots may be made either by public or private sale and selection, as the board of directors may determine best for the interests of the corporation. After the original sale and selection, future purchasers may select from the lots not previously sold.

Cause plat of
cemetery to be
made.

§ 9. The board of directors shall have power to inclose, improve, and adorn the grounds and avenues, and to erect buildings for the general use of the corporation, and to prescribe rules for inclosing, adorning, and erecting monuments in the cemetery lots; and to prohibit any use, division, improvement, or adornment of a lot which they may deem improper; they shall make report of their doings to each annual meeting of the corporation.

May inclose,
improve, and
adorn grounds,
&c.

1869.
Penalty
for injury to
grounds, &c.

§ 10. Any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, or grave-stone, or other structure placed in the cemetery aforesaid, or any fence, railing, or other work for the protection or ornament of the said cemetery, or of any tomb, monument, or grave-stone, or other structure aforesaid, or any cemetery lot within the cemetery aforesaid, or shall willfully destroy, cut, break, or injure any tree, shrub, or plant, within the limits of said cemetery, shall be guilty of a misdemeanor, and shall, upon conviction thereof before any court of competent jurisdiction, be punished by a fine of not less than five dollars nor more than five hundred dollars, and by imprisonment in the county jail for a term of not less than one nor more than ninety days, according to the nature and aggravation of the offense; and such an offender shall also be liable in an action in the name of the said corporation, to pay all such damages as have been occasioned by his unlawful act or acts, which money, when recovered, shall be applied by the said corporation, under the direction of the board of directors, to the reparation and restoration of the property destroyed or injured as above; and members of said corporation shall be competent witnesses in said actions. Power and authority is hereby conferred upon each of the officers of this corporation, and upon its superintendent and sexton, or other person having said cemetery or any of its grounds in charge, such as constables have to make arrests; and such officers and persons, and each of them, is empowered to arrest without warrant, and take before the proper officer or tribunal, to be dealt with according to law, any and all persons found offending against any of the provisions of this section.

§ 11. This act shall take effect from and after its passage.

Approved March 6, 1869.

CHAPTER 1793.

AN ACT to amend the Charter of the City of Columbus.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the tax collector for the city of Columbus to report, under oath, to the council of said city, at its regular meeting in the months either of March, April, or May, in each year, a list of all lots, lands, and real estate within the corporate limits of said city, upon which taxes remain due and unpaid, describing said lots, lands, and real estate, by such number, or other de-

scription, as the same may be known or designated upon the plan or plans of said city, together with the name of the owner or owners of the same, and the amount of taxes remaining due and unpaid thereon, giving each year, and the amount of taxes due therefor, separately.

1869.

§ 2. Said list, after having been examined and approved by the council, shall be entered of record in the book in which the proceedings of said council are recorded; and said council shall then direct, by ordinance, such portions of said lots, lands, and real estate, as may be necessary to pay said taxes and the costs and fees of the sale, to be sold by said tax collector, fixing in the ordinance the day upon which the sale shall be made, and also the exact place or point in said city where said lots, lands, and real estate shall be sold.

§ 3. No such sale shall be made until the same shall first have been advertised at least four times in the weekly issue of some newspaper published in said city, provided there is any such newspaper that will make such publication for the price as is allowed by law to the Public Printer for similar advertisements; and if there be none such, then not less than thirty days by printed advertisements at not less than six of the most public places in said city; and also on the court-house door of the county of Hickman.

§ 4. The costs of said advertising, which shall be as above set out, and also the fees of the collector, which shall be, when such sales are made, twenty per cent. on the whole amount to be collected, shall be added to the taxes due and unpaid, and such part of said lots, lands, or real estate as may be necessary to pay said amount shall be sold—it being the duty of the collector to designate what portion of said lots, lands, or real estate is being sold, when less than the whole of the same will satisfy the amount due, and also to give to the purchaser a certificate of purchase, in which he shall set out the amount paid by the purchaser.

§ 5. At the first or second regular meeting of the council for said city after said sales shall have been made, the collector shall report, under oath, to said council, a list of the lots, lands, and real estate, or such parts of the same, as may have been sold, together with the owner's name and the amount for which the same was sold, which report shall also be put to record in the book in which the proceedings of said council are recorded.

§ 6. All lots, lands, and real estate sold under the provisions of this act shall be subject to redemption within two years next after the collector's report has been made and recorded, by the payment of the amount paid for the same, and such taxes as may have thereafter been paid on the same by the purchaser, and interest on the same at

1869. the rate of thirty-three and one third per cent. per annum. The party redeeming shall take the receipt of the purchaser; or if he (the purchaser) shall not reside within said city, or shall refuse to accept the redemption money when tendered, then the party entitled to redeem may pay the amount due to the city treasurer, who shall hold the money thus paid him subject to the order of the party entitled thereto, and shall be responsible therefor on his official bond, and take his receipt for the same. Said receipt shall, before the two years in which said party is entitled to redeem, be presented to the council, and the fact of said redemption shall be entered on the record book of said council. When the lots, lands, and real estate of infants or married women may have been sold, two years shall be allowed them to redeem after their legal disabilities shall have been removed, upon the payment of interest at the rate of twenty per cent. per annum.

§ 7. After the time for the redemption of such lots, lands, or real estate, as may be sold under the provisions of this act, shall have expired, the council shall, by an order entered of record, direct the mayor of the city to make deeds of conveyance to the purchaser; and such conveyance, when made, shall invest the grantees with all the right, title, and interest held in the lots, lands, and real estate so conveyed by the person or persons from whom the taxes were due. Said mayor shall receive one dollar for each deed so made, to be paid by the party entitled to the same.

§ 8. This act shall take effect from and after its passage.

Approved March 6, 1869.

CHAPTER 1794.

AN ACT to amend an act, entitled "An act to incorporate the Louisville, Harrodsburg, and Virginia Railroad," approved 9th March, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act to incorporate the Louisville, Harrodsburg, and Virginia railroad, approved March 9th, 1868, be so amended, in the third section of said bill, as to authorize and empower the president and directors of said railroad to borrow any sum of money demanded by the exigencies of said road to its completion, and in any legal way, approved by the judgment of said officers, not exceeding the sum of one million dollars; and if any should fail to pay any installment or subscription, according to the provisions of said amended section, for the space of sixty days after the same became due and

payable, said installment and subscription, and the stock upon which the same was demanded, and for which the same was subscribed, shall be forfeited to the company, if the said officers so declare, and become the property thereof, with power to pledge, or sell or use said stock in the way deemed best for the interest of said company by said officers, or to enforce the collection of the same.

§ 2. That section seven be so amended, that the treasurer of said company be required, before taking the oath of office, to give bond, with ample security, to be approved by the said president and directors, conditioned for the faithful performance of his official duties, and to save and hold harmless, and indemnify said company from any loss from his nonfeasance, malfeasance, or misfeasance in the discharge of his said duties, and upon which bond suit may be brought, in any court having jurisdiction, by said company, for a breach thereof.

§ 3. That section six be so amended, that should said election, from any cause, not take place on the first Wednesday in May in each year, said officers are to continue in office until their successors are elected and qualified.

§ 4. That any town, city, corporation or counties, are hereby enabled and empowered to subscribe for stock in said company upon the following terms: Said stock shall be subscribed by said town, city, corporation, county or counties, upon the consent of the majority of the votes therein cast—said election to be petitioned for by said president and directors; and there shall be ordered to be held, by the county judge of said county, by the president of the board of trustees of said town, by the president of the board of directors of said corporation, as the election for county offices is held in said county, as the election for town offices is held in said town, and as the election for president and directors is held under said corporation, giving thirty days' notice of said election in each instance: *Provided*, That, as to the city of Louisville, the general council of said city be, and are hereby, authorized to order, by ordinance, in compliance with the charter of said city, an election to be held, after due notice, as provided by the charter of said city, by advertisement in the papers of said city; in case said city agrees to take stock in said road, it may be paid upon such terms and conditions as may be agreed by said company and the general council of said city; and when the terms and conditions so agreed upon shall have been voted upon and carried, by a majority of the legal votes cast at said election, it shall then be the duty of the mayor of said city to issue the bonds of the said city therefor, with the corporate seal of said city affixed, bearing an interest

1869.

1869. not less than seven per cent., and no more than eight per cent. per annum, payable semi-annually at New York city, to be issued within sixty days after said election, and, when issued, to be delivered to the president of said company.

§ 5. That the counties or towns subscribing stock to said company, and issuing bonds therefor, shall receive the coupons due on said bonds issued for the stock to said company in payment of the taxes levied by said counties or towns for the payment of said railroad tax.

§ 6. That said road shall not be taxed until one hundred miles are completed.

§ 7. That this said railroad company is hereby enabled and empowered to buy or lease other roads connected therewith, and build a branch or branches to this said railroad, upon such terms and conditions as are prescribed herein for the building of this said railroad.

§ 8. That said railroad company may receive donations of land to be used for any of the purposes of said road, or to be sold to raise money to build the same, and may receive subscriptions, to be paid in land at a valuation to be fixed by the officers of said company and said subscriber, and may lease, or sell and convey, any land so given or subscribed.

§ 9. That in order to create and secure a fund for the final payment of the indebtedness of said company, said company is hereby enabled and empowered to create and form a sinking fund for said purpose, in that way deemed most advantageous and practical for said company to effect said payment.

§ 10. That the second section of the said charter of said company be so amended that the said capital stock of said company is hereby increased to ten million dollars, but not to exceed said sum; and it shall be lawful that, with the consent of the majority of the voters within the limits hereinafter named, said consent to be expressed by the majority of the votes cast, there shall be assessed a tax of one per cent. per acre on the value of all lands lying within two and a half miles of said road, and a tax of one half of one per cent. per acre on the value of all lands lying two and a half miles, and within five miles of said road, such tax to be estimated on the value at which said lands are listed for valuation for State purposes: *Provided, however,* That if a vote for levying said tax shall be petitioned for by the president of said company, said election shall be in each county along the line of said road as far as said line shall be located, held at such places and times as may be appointed by the judges of said county as the election for county officers are now held, giving thirty days' notice of the place and time of

1869.

holding said election; but if by petition, then the form, words, and figures of said petition shall be so drawn as to fix the liability of each signer thereof to pay said tax; and that no one signing said petition shall have the right to retract said signing, but shall be liable therefor; and upon a majority of the votes cast being in favor of said tax, or a petition being signed by a majority of said landowners, then the judge of said county, upon the petition being presented to him by the person authorized to obtain said signatures by said president, accompanied with an affidavit of said agent of the genuineness of said signatures, and the request of said president to order the collection thereof, and the authority of said agent, signed by the said president, and countersigned by the said secretary, or the official returns of said elections by the clerk thereof, accompanied with the aforesaid request, the county judge shall order said tax to be levied, assessed, and collected by said sheriff, and by him, when collected, paid over to the said treasurer; said petition so signed, and the official returns of said election, shall be filed in the clerk's office of each county, and a certified copy of each made out by the clerk thereof, with the county seal thereto, and transmitted to the secretary of said company within thirty days from said filing, and his fees therefor shall be as for other copies: *Provided*, That no tax shall be assessed by petition.

§ 11. That whenever, under this charter, any tax shall be levied, assessed, and be collectable, under and by virtue of the provisions hereof, said tax collectable within any city or town shall be collected by the collector of taxes within said city or town, and within any county shall be collected by the sheriff of said county: *Provided, however*, That said sheriff or collector of town taxes shall give a bond for the collection of said tax, with sureties, to be approved by the judge of said county, conditioned as his bond is for the collection of the county tax; but in the event of his failure to give said bond within twenty days prior to the time said tax is due and payable, the said county judge is empowered to appoint a collector of said taxes, said collector to give a similar bond to that required of said sheriff, and the fees for collecting the same shall be the same as now paid for the collection of the State tax.

§ 12. That any tax-payer paying tax to the county, subscribing stock hereto, or holding any of said bonds, the coupons thereto attached shall be received in payment of the tax levied to pay said coupons, and assessed under this act against said tax-payer; and any private subscriber to the original stock of this road, having paid up his stock hereunder, and according to the calls of the said officers

1869. of said company, shall receive stock for the interest of his stock subscribed, and paid as aforesaid, the same as a county or town; and said tax thus paid, and interest due to said subscriber, the tax-payer, subscriber, or their assigns, shall be entitled to stock to that amount in said company; said stock to be issued to said tax-payer, subscriber, or their assigns, by the treasurer of said company, upon the presentation of tax receipts at the office of said treasurer, to the amount of fifty dollars, or when said subscriber shall be entitled to interest for said amount, and a fractional receipt for any amount less than said amount; but the issuance of the stock mentioned in this section shall cease upon the declaration of the first dividend by said company.

§ 13. That to collect any and all taxes collected, under and by virtue of this charter, the officers collecting the same are hereby empowered to use and enforce all remedies or means now allowed, or hereafter to be allowed, for the collection of the taxes of any town or city, or of the State.

§ 14. That all bonds issued for stock, under and by virtue of this charter, shall be of denominations not less than one hundred, nor more than one thousand dollars, in payment thereof, with coupons attached, under the appropriate seal. The bonds of a county to be signed by the county judge, and countersigned by the clerk of the county, the coupons to be signed by the clerk alone; those of cities to be signed by the mayor thereof, and countersigned by the city clerk or auditor, the coupons to be signed by the clerk or auditor alone; and those of towns to be signed by the president of the board of trustees, and countersigned by the town clerk, the coupons to be signed by the town clerk alone; and those of a corporation to be signed and countersigned as may be agreed by said corporation and the president hereof. All the bonds under this charter shall be negotiable and payable to bearer where fixed by said parties issuing them, with the consent of the officers of this company, except the bonds of the city of Louisville, and not more than thirty years from date, bearing an interest not less than six nor more than eight per cent. per annum, payable semi-annually, as may be agreed upon by the president hereof and the agents herein authorized to sign said bonds for towns, corporations, or counties.

§ 15. That the president, with the approval of any two directors, is hereby empowered to call said board together whenever the exigencies of said road shall demand, giving ten days' notice of the time and place when and where it is desirable said president and directors shall meet.

§ 16. That all the taxes to be collected hereunder shall become due and payable when the State taxes are due and payable: *Provided, however,* That the officer collecting the same shall pay to the treasurer of said company one fourth of said taxes due and payable in each year, on or before the first day of June in each year; one fourth on or before the first day of July following; one fourth on or before the first day of August following, and one fourth on or before the first day of September following; and if said officer shall fail to collect and pay over said taxes within the times prescribed herein, said officer, with his sureties on the bond given under this said act, shall be liable for the amount not so paid over, and ten per cent. thereon until paid, to be recovered on motion, on ten days' notice in any court having jurisdiction, and upon which judgment thereon execution shall issue forthwith, in the usual words and figures, directed to the coroner or any constable of said town or county, upon which execution the clerk of said court shall indorse that no replevin bond or security of any kind is to be taken, and to be returnable within thirty days.

§ 17. That in any or all counties through which this road may pass, and in which this company cannot, by private contract, acquire the land, earth, stone, gravel, and timber, or other material or thing necessary for the site and construction of said road, it may be lawful for said company to acquire any or all of said articles by condemnation, which condemnation shall be effected in this way, to-wit: The president of said company shall complain to any justice in said county that he is unable to contract with the owner or owners thereof therefor, and request its condemnation; whereupon said justice shall summon the owner or owners thereof to appear before him on a particular day within ten days thereafter, and shall cause to be summoned a jury of the neighborhood, men disinterested and freeholders, who, after taking an oath faithfully and impartially to assess the damages, if any, and view any or all of said articles, and after considering the advantage or disadvantage the said road may be to the same, shall report whether said owner or owners are entitled to damages or not, and if so, how much; said report to be in writing, and filed with the justice, whereupon said justice shall enter judgment condemning any or all of said articles, unless, for good cause shown by either party, the said justice may grant a review of the premises, and with or without cost; and if no review be granted, said article or articles shall be seized to the said company; but if the owner or owners of said article or articles be a non-resident of the county or State, a *feme covert*, infant, or *non compos mentis*, in the three last mentioned the summons shall be served upon the

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1869. husband of the *feme covert*, upon the guardian of the infant, and upon the committee of the *non compos mentis*; and in the case of the said non-residents, an attorney for each shall be appointed by said justice to represent them in all respects as if there present; and if the non-resident of the county be a resident of the county adjacent thereto, in that event he shall be summoned: *Provided, however*, That to any or all said persons, to-wit: the *feme covert* by her husband, the infant by his or her guardian, the *non compos mentis* by his committee, and the non-resident of the county or State by their attorney, an appeal to the circuit court is hereby granted; and upon said appeal said cause shall be regularly docketed on its appropriate side, and shall be tried upon evidence to be had from viewers, four in number, two for each, selected by the parties and appointed by said court, who shall report, in writing, the damages, if any, and if so, how much. They shall first be sworn as other witnesses, and shall, in person, view any or all of said articles, taking into consideration as aforesaid; and further, that the judge of said court, during said cause, shall appoint any or all such attorneys, take such steps, make such orders, and order such proceedings as may be necessary to make the action of said court legal in all respects, and as are necessary when such parties are defendants to actions in said court, and the decision of said court shall be final: *Provided, however*, Damages for the right of way shall be assessed, and for all property taken by said company.

§ 18. That the vote of the county of Mercer, taking stock in said railroad, be, and the same is hereby, legalized and made valid.

§ 19. That said president and directors are empowered to make and pass by-laws for the government of said company and the regulation of its internal concerns.

§ 20. The Legislature reserves the right to modify and repeal this charter at pleasure.

§ 21. This act to take effect from its passage.

Approved March 6, 1869.

CHAPTER 1795.

AN ACT to change the Place of Voting in Covington Precinct, No. 4, in Warren County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the place of voting in Covington precinct, No. 4, in Warren county, be, and the same is hereby, changed from B. C. Sanders' to Rockfield, in said precinct.

§ 2. This act to take effect from its passage.

Approved March 6, 1869.

CHAPTER 1796.

1869.

AN ACT to change the Place of Voting in the Hiseville District, in Barren County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the place of voting for State, county, and district officers, in the civil district or precinct in Barren county known and called by the name of the Hiseville district, shall be, and the same is hereby, changed from Hiseville to Mount Zion Meeting-house, in said district; and hereafter all elections and voting for any of the officers aforesaid in said district shall be held, conducted, and carried on at said Mount Zion Meeting-house.

§ 2. This act to take effect from its passage.

Approved March 6, 1869.

CHAPTER 1797.

AN ACT empowering the Russell County Court for certain purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Russell county, a majority of the justices in commission concurring therein, shall have power and authority to levy and impose upon the people of said county subject to county levy, a tax of not exceeding three dollars per head for each year, and this power shall continue for three years. The tax so levied by said court shall be collected and accounted for by the sheriff of said county as other county dues are provided by law.

§ 2. That said county court, at any time when a majority of said justices are present and concurring therein, shall have full power and authority to issue the bonds of said county, in such sums as they shall deem proper, drawing interest from date, and due and payable at any time within three years from date. The bonds shall be signed by the county judge and countersigned by the clerk of the Russell county court. A record of each shall be kept in the proceedings of said court; and whenever any of said bonds shall be redeemed and paid off, such fact shall be entered upon said records, and the bonds destroyed by the court: *Provided, however,* The aggregate amount of said bonds shall not exceed three thousand dollars.

§ 3. This act to take effect from its passage.

Approved March 6, 1869.

1869.

CHAPTER 1798.

AN ACT concerning Blue Spring Baptist Church, in Barren County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for Henry Petty, Alexander Ford, J. B. Ratliff, and St. Clair Walker, or any one or more of them, to file their petition in equity in the Barren circuit court against the trustees, or any one or more of them, of the Blue Spring Baptist Church, in Barren county, setting up and charging any debt that may be due them, or any one of them, for building or for money paid toward building the church-house of said church; and said court, upon all the proper parties being regularly brought before it, shall hear the cause and render such judgment for the sale of said house, or otherwise to pay said debt, as the justice and equity of the case may seem to require: *Provided, however,* Before the house is sold, said church shall have the privilege of paying such sum as the court adjudges due thereon.

§ 2. This act to take effect from its passage.

Approved March 8, 1869.

CHAPTER 1799.

AN ACT confirming sale of Martin Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sale of the property known as Martin Institute, situated in the suburb of New Liberty, Owen county, Kentucky, made under execution issued from the circuit clerk's office of Owen county, in favor of Martin L. Beck, against said institute, on the third Monday in September, 1865, be, and the same is hereby, ratified and confirmed.

§ 2. This act shall take effect from and after its passage.

Approved March 8, 1869.

CHAPTER 1800.

AN ACT for the benefit of James Haggard, of Cumberland County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of thirty-four dollars and fifty cents be, and the same is hereby, appropriated for the purpose of reimbursing James Haggard for expenses and money paid by him in conveying one Jerome Thurman to the Western Lunatic Asylum.

§ 2. The Auditor is hereby directed to draw his warrant upon the Treasury in favor of said James Haggard for said sum of thirty-four dollars and fifty cents.

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§ 3. This act to take effect from its passage.

Approved March 8, 1869.

CHAPTER 1801.

AN ACT for the benefit of the Estill County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is directed to draw his warrant on the Treasurer, payable to the order of the Estill county court, for the sum of four hundred and twenty-five dollars and twenty-five cents, to be paid out of any money not otherwise appropriated, that being the amount said county paid her jailer for keeping Samuel Murray, Howard Winkle, and Mary Ann McKinley, three lunatics that had to be kept in confinement, when they could not be put in an asylum.

§ 2. This act shall be in force from its passage.

Approved March 8, 1869.

CHAPTER 1802.

AN ACT legalizing certain sales of property for Railroad Tax.

WHEREAS, William R. McFerran did, as collector of the railroad tax due from the town of Glasgow to the Barren County railroad company, levy upon and sell various town lots in said town in collection thereof, and doubts exist as to the legality of some of said sales, though none of them has ever been contested—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That each and all the levies and sales of real and personal estate made by said McFerran, as collector aforesaid, upon and of any of said property, be, and the same is hereby, declared legitimized and effectual to pass the title to said property to the purchaser at said sale, subject, however, to the right of redemption as provided in the law under which he made the sales.

§ 2. This act to take effect from its passage.

Approved March 8, 1869.

1869.

CHAPTER 1803.

AN ACT to allow Edward Air, Clerk of the Campbell County Court, further time to give Official Bond.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for Edward Air, clerk of the Campbell county court, to give official bond as clerk of said county in the county court thereof, on or before the last day of March, 1869, notwithstanding his failure to give such bond within the time prescribed by law; and the same, when done, shall be as valid and effectual for all purposes as if done in all respects in accordance to the provisions of the general law on that subject; and all acts of an official or ministerial character, which may have been done under color of said office by the said Air or his deputies, shall be as legal and valid for all purposes as though he had duly given bond in manner and form and in the time required by law.

§ 2. That this act shall take effect from its passage.

Approved March 8, 1869.

CHAPTER 1804.

AN ACT enlarging the powers of the Trustees of the Town of Edmonton, in Metcalfe County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Edmonton, in Metcalfe county, shall have full power and authority to pass and enforce an ordinance forbidding and disallowing any and all persons from auctioning off at sale any and all goods, wares, merchandise, or other property within said town, except upon their first obtaining a license so to auction and sell from said trustees; and for issuing such license, said trustees may impose a tax, and require it to be first paid by said auctioneer, of any sum not exceeding five dollars per day: *Provided*, This act shall not apply to citizens of said town, or to any public officer of said county, or to any one having license to auction within said county.

§ 2. This act to take effect from its passage.

Approved March 8, 1869.

CHAPTER 1805.

1869.

AN ACT repealing an act, entitled "An act to regulate the jurisdiction of the Harrison Quarterly Court," approved February 18, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to regulate the jurisdiction of the Harrison quarterly court," approved February 18, 1868, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved March 8, 1869.

CHAPTER 1807.

AN ACT to change the time of holding the Quarterly Courts in Knox County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the quarterly courts in Knox county shall hereafter commence on Tuesday after the fourth Monday in the same months that the quarterly courts have heretofore been held in said county.

§ 2. This act to take effect from its passage.

Approved March 8, 1869.

CHAPTER 1808.

AN ACT for the benefit of Gallatin County.

WHEREAS, The Gallatin county court, at its October term, 1868, the county judge and a majority of the justices of the peace of said county being present and concurring therein, made an appropriation of six thousand dollars, for the purpose of improving and remodeling their court-house and clerks' offices, and the erection of fire-proof vaults for the preservation of the public records; and it appearing that it will be advantageous to said county, in making said improvements, to have the ready money to meet all contracts that may be made, either for work or material, as said work may progress, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for said county court of Gallatin to borrow a sum of money for the purposes aforesaid, not exceeding six thousand dollars, at any rate of interest not higher than ten per cent. per annum; and that whensoever H. J. Abbett, J. Critt. Furnish, Robert Payne, E. Hobbs, and D. B. Dailey, or a majority of

1869. said persons, they being the building committee appointed by said court to contract for and superintend said work, shall certify, under their hands, that they have received from any individual or individuals any money for the purposes aforesaid, it shall be the duty of the county court to make an order of the fact on the order-book of said court, and award to the person or persons a copy thereof, attested by the clerk of said court, in which the amount borrowed shall be stated, the time it was obtained, the rate of interest agreed upon, and from whom the same was borrowed, which shall be binding upon said county until the same is fully paid.

§ 2. This act to take effect from its passage.

Approved March 8, 1869.

CHAPTER 1809.

AN ACT to repeal an act, entitled "An act for the benefit of James Sudduth," approved February 25, 1848.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of James Sudduth," approved February 25, 1848, be, and the same is hereby, repealed.

§ 2. That this act take effect from and after its passage.

Approved March 9, 1869.

CHAPTER 1811.

AN ACT to authorize the County Judge of Henderson County to appoint additional Processioners for that County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county judge of the county of Henderson to appoint such additional processioners for said county as in his judgment may be necessary, not exceeding two in each voting precinct.

§ 2. The said additional processioners may perform the duties of their office in any part of the county, when called upon, and they shall do and perform all their acts under the same authority, and controlled by the same regulations and restrictions, as now control the acts of processioners under the general law.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 9, 1869.

CHAPTER 1813.

1869.

AN ACT for the benefit of John Dishman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of twenty-five dollars is hereby appropriated to John Dishman for five days' service as Commonwealth's Attorney at the October term, 1867, of the Perry circuit court, under appointment of said court; and that the Auditor is directed to issue his warrant to said Dishman for said sum.

§ 2. This act to take effect from its passage.

Approved March 9, 1869.

CHAPTER 1814.

AN ACT for the benefit of School District No. 29, in Clinton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the 29th school district, in Clinton county, shall consist of those living within the following boundary, viz: Beginning at the fork of Ottwill creek, near Jacob De-weese's; thence up the west fork to the mouth of Seaton's branch; thence with said branch to the county line, near A. F. Pharis's; thence with the line of school district No. 7th to the mouth of Pickens' branch; thence with said branch to the Burkeville road; thence with said road to the natural bridge; thence down Phillips' Fork, including all on the creek, to the beginning.

§ 2. This act shall take effect from its passage.

Approved March 9, 1869.

CHAPTER 1816.

AN ACT to repeal an act, entitled "An act to prevent the Destruction of Fish in Little River, in Trigg County," approved February 21st, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prevent the destruction of fish in Little river, in Trigg county," approved February 21st, 1868, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 9, 1869.

1869.

CHAPTER 1817.

AN ACT for the benefit of Boyle County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section first of an act, entitled "An act to prevent the destruction of fish in Green river and its tributaries, and other water-courses," approved February 26, 1868, as applies to Boyle county, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved March 9, 1869.

CHAPTER 1820.

AN ACT to regulate the County Levy of Shelby County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims for Shelby county shall have the power and authority to fix the levy of said county at any sum not exceeding two dollars and fifty cents upon each tithe.

§ 2. That the action of the last term of the court of claims for said county, in revising and fixing the levy, and all acts done in pursuance thereof, be, and the same are hereby, legalized and made valid for all intents and purposes, as fully and completely as if said levy had been made in strict conformity to law, as said levy did not exceed the sum of two dollars and fifty cents.

§ 3. This act to take effect from and after its passage.

Approved March 9, 1869.

CHAPTER 1821.

AN ACT for the benefit of Madison County, authorizing the County Court to levy an additional tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Madison, at its regular court of claims, may, and are hereby, authorized, in addition to the regular poll-tax, to impose a tax not exceeding ten cents to each hundred dollars on all the property in the county liable to be taxed for revenue purposes, and all real estate situate therein; and the same shall be collected by the sheriff of said county at the same time, in the same mode, and under the same penalties, he is now required to collect the revenue tax; and he shall receive the same commission therefor, and pay the same to the

creditors of the county, as he shall be ordered to do by said court. 1869.

§ 2. And said fund raised by taxation aforesaid shall be applied by said county court in discharge of the existing county debt, and in payment of all legal claims and appropriations made by said court, when the revenue raised by the poll-tax imposed is insufficient.

§ 3. This act shall take effect from its passage.

Approved March 9, 1869.

CHAPTER 1822.

AN ACT to authorize the County Court of Mason County to sell the Poor-house Property, and reinvest proceeds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Mason county, a majority of the justices concurring therein, be, and the same is hereby, authorized and empowered to sell and convey the property belonging to the said county, and known and used as poor-house property in said county, and reinvest the proceeds in property more eligibly situated for that purpose.

§ 2. That the county court shall have power and authority to appoint commissioners, whose duty it shall be to sell and convey the same, and reinvest the proceeds as the county court may direct.

§ 3. This act shall take effect from its passage.

Approved March 9, 1869.

CHAPTER 1823.

AN ACT for the benefit of Ballard County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Ballard county, a majority of the justices concurring therein, be, and the same is hereby, authorized and empowered to sell and convey the property belonging to said county, and known and used as the poor-house property; also, the old jail and lot on which the same is located, in said county, and reinvest the proceeds thereof as said court may direct.

§ 2. That the county court shall have power and authority to appoint commissioners, whose duty it shall be to sell and convey the aforesaid property, and reinvest the proceeds as the county court may direct.

§ 3. This act to take effect from and after its passage.

Approved March 9, 1869.

1869.

CHAPTER 1824.

AN ACT for the benefit of the Johnson County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of Johnson county is hereby authorized to cause to be summoned the justices of the peace for said county to attend and constitute a court; and a majority thereof shall have power to increase the county levy for the years 1869 and 1870.

§ 2. That said court shall have the further power to levy and collect an ad valorem tax, not exceeding twenty cents upon each one hundred dollars' worth of property subject to taxation in said county, for the purpose of building fire-proof safes for clerks' offices, and discharging the indebtedness of said county.

§ 3. This act shall take effect from its passage.

Approved March 9, 1869.

CHAPTER 1826.

AN ACT to amend the Charter of the Town of Houstonville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Houstonville are hereby authorized to elect a town judge and marshal, whenever vacancies occur in said offices: *Provided*, Nothing in this act shall be so construed as to affect the election of said officers at the regular annual election.

§ 2. This act to have effect from its passage.

Approved March 9, 1869.

CHAPTER 1827.

AN ACT to incorporate the Howard's Mills and Owingsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed and created a body-politic and corporate, by the name and style of the Howard's Mills and Owingsville turnpike road company, to consist of a president and five directors, with the stockholders, for the purpose of making a turnpike road from Howard's Mills, by way of Ficklin's tan-yard and Mudlick's Springs, to Owingsville, on the McAdams plan.

§ 2. The capital stock of said company shall be six thousand dollars, and may be increased to twenty thousand dol-

lars, at the option of the directors, to be divided into shares of fifty dollars each; and books for the subscription of stock on the first day of May, 1869, may be open, or as soon thereafter as the commissioners may direct, at Owingsville, Ficklin's tanyard, and Howard's Mills, and continue open until the stock shall be subscribed, under the direction of A. N. Crooks, John Ficklin, John Botts, Putnam Ewing, and James Ficklin, at Ficklin's tan-yard; James A. Lee, J. H. Richart, J. M. Nesbett, B. F. Perry, at Owingsville; Dr. Hill, Wilson Moppin, James M. Anderson, at Howard's Mills, or any two or more of said commissioners, at each of the foregoing places, shall be empowered to act. The commissioner shall procure books, and the subscribers shall enter into the following obligation, viz: We, whose names are hereunto annexed, respectively promise to pay the president and directors of the Howard's Mills and Owingsville turnpike road company the sum of fifty dollars for each share of stock set opposite to our names, in such proportion and at such times as the said president and directors may require.

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§ 3. So soon as three thousand dollars is subscribed to the capital stock of said company, it shall be the duty of said commissioners to give notice, in such manner as they may think proper, for a meeting of the stockholders, at such times and places as they may designate, for the purpose of electing a president and five directors, and one vote shall be allowed for each share of stock; and the said officers shall continue in office for one year, and until their successors are in like manner duly elected. A majority of the board shall be competent to transact business.

§ 4. As soon as said company is organized by the election of officers, the president and directors shall possess all the powers, rights and privileges, and shall and may do all acts and things necessary for causing and laying a survey of the most practicable route for said road, and for carrying on and completing said road, and may have and enjoy all the duties and qualifications and restrictions that are given the Carlisle and Sharpsburg turnpike road company, by an act approved 26th February, 1847.

§ 5. The president and directors shall fix and regulate the elevation and grade of said road, the width and the part thereof to be covered with stone; shall designate the place for the erection of gates, and may fix the rates of toll, and regulate and change the same. The width of the road shall be thirty feet, and the part covered with stone shall not be less than twelve feet.

§ 6. The Legislature reserves the right to alter or amend this charter at pleasure, at any time after its passage.

§ 7. That said company may, and is hereby, authorized to take subscription to the capital stock of said road com-

1869. pany in lands on or near to the line of said road; the land to be valued by two disinterested persons, to be agreed upon by the subscriber of said stock and the president and directors of said road, and their umpires in case of disagreement; or the owner of said lands and the subscriber of said stock, and the board of directors, may agree upon the price of said lands.

§ 8. That this act shall take effect from and after its passage.

Approved March 9, 1869.

CHAPTER 1828.

AN ACT to legalize the proceedings of the Bowling Green Building Company.

WHEREAS, An act, entitled "An act to amend the Bowling Green Building Company," was passed and approved on the 15th of January, 1868, but which did not take effect from its passage, authorizing the said company to borrow money, and to secure the payment thereof by mortgage; and whereas, the said company borrowed the sum of sixteen thousand four hundred and twenty-six dollars and fourteen cents from Moses Hess, and by its president, Thomas C. Calvert, executed a mortgage to said Hess to secure the payment of said money so borrowed, on the 6th day of March, 1868, and which has been duly recorded in the clerk's office of the Warren county court; and whereas, doubts have arisen whether said mortgage is valid, in consequence of its having been executed before said act took effect; now, therefore, to cure said defect, if it be one,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the execution of said mortgage to said Hess shall be as good and valid to all intents and purposes as if said act had been made to take effect from its passage: *Provided*, That said mortgage shall inure to the benefit, *pro rata*, of all creditors holding debts against said company, and nothing herein contained shall be so construed as to release, without the consent of said Moses Hess, any one who may have become personally liable by the making of said loan or the execution of said mortgage.

§ 2. This act shall take effect from and after the day of its passage.

Approved March 9, 1869.

CHAPTER 1829.

1869.

AN ACT to create an additional Civil District in Washington County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting district in Washington county, created by an act, entitled "An act to provide an additional voting place in Washington county," approved 9th March, 1867, be, and the same is declared to be, a civil district: *Provided*, That the line of said district shall not include Anthony B. Hundley in said district; and said act is also so amended that where it reads "Walker's Old Lick," it shall read "Walton's Lick."

§ 2. That at the next regular election for constables, as provided by chapter 32, article 2, section 4, of the Revised Statutes, there shall be elected by the qualified voters of said district a constable and two justices of the peace for said district. The justices of the peace shall hold their office until the first Saturday in May, 1871, the term of the regular elections for justices of the peace, as provided by the aforesaid provision of the Revised Statutes.

Approved March 9, 1869.

CHAPTER 1830.

AN ACT legalizing the Orders and Levies of the Larue County Court at the October Term, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the order made by the Larue county levying court at its October term, 1868, imposing a levy of ten cents on each one hundred dollars' worth of property listed for taxation in the county of Larue for the year 1869, for the purpose of paying the indebtedness of said county, be, and the same is hereby, legalized, and shall be as binding as though there had been a law at the time said levy was made authorizing the same.

§ 2. This act shall be in force from its passage.

Approved March 9, 1869.

CHAPTER 1831.

AN ACT to amend the Charter of the Town of Hodgenville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the election held in the town of Hodgenville on the first Saturday in January, 1869, for the election of

1869. a chairman and board of trustees for said town, be, and the same is hereby, legalized, and that hereafter all elections for trustees of the town aforesaid shall be held on the first Saturday in January in each year; and any provision in the charter of said town in conflict with this act, is hereby repealed.

§ 2. This act shall take effect from its passage.

Approved March 9, 1869.

CHAPTER 1832.

AN ACT to create the office of Treasurer, in Muhlenburg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of Muhlenburg county is hereby authorized and empowered to appoint a treasurer for the county of Muhlenburg, who shall hold his office for four years unless sooner removed; that said treasurer, before entering upon the duties of his office, shall execute bond with good security, to be approved of by the judge of the county court, to faithfully perform the duties of his office, and shall also take the oath of office required of ministerial officers of this Commonwealth. It shall be the duty of said treasurer to receive and receipt for all moneys due the county of Muhlenburg, and shall pay the same out, from time to time, upon the order of the Muhlenburg county court; and he shall make a settlement of his accounts with said court every year, and oftener if required. Any person injured by any neglect or default of said officer, may sue upon said bond in any court having jurisdiction, in the same manner that actions may be prosecuted against sheriffs or constables, and said treasurer shall be liable to the same damages as sheriffs would be under similar circumstances.

§ 2. That the judge of said court, for good cause shown, may suspend or remove said officer and appoint another; or said court, a majority of the justices concurring, may, upon such suspension or removal, abolish said office.

§ 3. It shall be the duty of said treasurer, when appointed and qualified, to settle with any former treasurer of said county, and may institute suit for the recovery of any money in the hands of such former treasurer.

§ 4. The court of claims for said county shall allow said treasurer a reasonable compensation for his services, to be levied by said court at each successive court of claims.

§ 5. This act to take effect from its passage.

Approved March 9, 1869.

CHAPTER 1833.

1869.

AN ACT to amend an act, entitled "An act authorizing the citizens of Brandenburg to elect Police Judge and Marshal," approved January 28, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of Brandenburg are hereby authorized to fill any and all vacancies which may now or hereafter exist in the offices of police judge and marshal of said town; and it shall be their duty to fill any vacancy now or hereafter existing within three weeks next succeeding after the passage of this act or vacancy occurring; but if they shall fail or refuse to fill such vacancy within the time herein specified, the judge of the Meade county court may fill by appointment such vacancy or vacancies noted upon the records of his court.

§ 2. The officer or officers appointed as herein provided for, shall be commissioned by the Governor, and hold their respective offices until their successors are duly elected and qualified according to law.

§ 3. That all laws in conflict with this act are hereby repealed; and this act shall take effect from its passage.

Approved March 9, 1869.

CHAPTER 1834.

AN ACT to change the Point District Voting Place, in Pulaski County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in Point precinct, in Pulaski county, be changed from Point Burnside to Tate's store.

§ 2. This act to take effect from its passage.

Approved March 9, 1869.

CHAPTER 1835.

AN ACT to amend the Charter of Owingsville, in Bath County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the power vested in the trustees of said town to grant license to keep taverns and coffee-houses, with the privilege of retailing spirituous liquors by the drink or otherwise, and license to merchants and others to sell liquors within said town, be so extended as to include all that part of Bath county within one mile of the corporate limits of said town.

. 1869.

2. All persons convicted in the Owingsville police court shall be confined in the Bath county jail until the fines assessed against them and the costs of prosecution are discharged at two dollars per day.

§ 3. The attorney of the town of Owingsville shall be entitled to like fees for like services as are allowed to the prosecuting attorneys in the circuit courts of this Commonwealth.

§ 4. The police court of the town of Owingsville shall have exclusive original jurisdiction in all prosecutions for violations of the ordinances of said town, and concurrent jurisdiction with justices of the peace of all pleas of the Commonwealth arising within the limits of said town of Owingsville, except cases of felony, in which they shall have the same jurisdiction as two justices of the peace; and said court shall have power and authority to take recognizances of persons charged with offenses cognizable before said court, to appear and answer the same, that the circuit courts have, and the like power to enforce a compliance of the same; and as to committing criminal offenders, and sending them on for trial, said court shall have the power of two justices of the peace of Bath county.

§ 5. Said police court shall be holden at such place as the judge shall select; and the judge shall have power to fix such time for the holding his court as in his discretion the cases coming before him for trial may seem to him to require.

§ 6. All penalties of the ordinances and by-laws of said town shall be sued for by warrant, in the name of the chairman of the board of trustees of said town, and be for its use.

§ 7. The board of trustees of the town of Owingsville shall have power, whenever the public convenience or safety may require it, to prohibit hogs, cattle, horses, and other description of animals from running at large in the streets, lanes, alleys, commons, and other public places in said town; and to require and compel the abatement and removal of all nuisances within the limits of said town, under such regulations as shall be prescribed by ordinance.

§ 8. The board of trustees of said town shall have power, whenever in their opinion the interest of said town shall require it, to levy and collect taxes on dogs and other domestic animals, in any sum not exceeding five dollars on each dog or other animal.

§ 9. That the board of trustees of the said town shall have power and authority to cause and procure the sidewalks to be curbed or paved with stone or brick, and to apportion the costs and expense on the owners of lots fronting thereon, and a lien is given on the lots for the

same; and the board of trustees shall have the like authority and power to cause and procure the streets and alleys now established or hereafter to be established within said town to be filled, leveled, and graded, for the purpose of carrying off the water or preparatory for paving or turnpiking, at the costs and expense of the lot-owners fronting the same, and a lien is hereby given on the lots and parts of lots for such costs and expenses; and the costs and expenses accruing under the provisions of this section shall be by the board of trustees assessed, listed, and collected as other taxes of the town; and the marshal shall have power and authority to sell and convey the lots and parts of lots for the same, under the by-laws and regulations of the board of trustees.

§ 10. The judge of the police court shall be entitled to receive the same fees as are allowed by law to judges of the quarterly court; and the board of trustees may provide for a salary for said police judge, not exceeding one hundred dollars per annum, payable quarterly out of the treasury of said town of Owingsville.

§ 11. This act to take effect from and after its passage.

Approved March 9, 1869.

CHAPTER 1836.

AN ACT to amend an act, entitled "An act to incorporate the Town of Trenton," approved March 5, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, entitled "An act to incorporate the town of Trenton," approved March 5, 1868, be, and the same is hereby, amended by striking out all relating to boundary, and inserting in lieu thereof the following, viz: Beginning at a stake on the northwest edge of a sink, the northeast corner of Lawson and Caldwell's addition to Trenton; thence north sixty-two and one half, west one hundred and forty-nine poles, to the center of the Elkton road; thence same course seventeen poles, to a rock, in Mrs. Runion's field; thence south thirty-three, west fifty-seven and five twenty-fifths poles, to railroad; thence same course thirty-two and twenty twenty-fifths poles, to the center of the Hopkinsville and Nashville road; thence same course seventy-one and three fourths poles, to a black walnut, and two black walnuts and a hickory, marked as pointers in J. Cole Dickenson's line; thence south seventy-five, east seventy-six poles, to the Clarksville road; thence same course fifty-eight and three fourth poles to a rock, in C. W. Bailey's field; thence with

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1869. the east end of Old Trenton, north thirty-seven and one half, east twenty-eight poles, to the Nashville road; thence same course twenty-two poles, to a stake, on south edge of the Gallatin road; thence with said road, on the south edge, north sixty-nine and one half, east forty poles, to a stake on said south edge, crossing the railroad, at forty-six poles; thence south seventy-eight, east fourteen and one half poles, to a stake on the north edge of said road, corner of the Lawson and Caldwell addition to Trenton, the southeast corner; thence with said addition, north twenty-seven and one half, east forty-nine poles, to the beginning.

§ 2. That no license shall be granted by the county court of Todd county to keep a tavern within the corporate limits of the town of Trenton, until the applicant for such license shall have first obtained the consent of the trustees of said town, and shall produce to the court the written permission of the board of trustees of the town. This shall not be construed to abridge the power of the county court in the exercise of its discretion in refusing a license to keep a tavern; nor shall the consent of the board of trustees be required to authorize the granting of license to keep a tavern without the privilege of selling ardent spirits, vinous or malt liquors, or the mixture of either. The trustees of the town of Trenton shall have power to require of the person or persons obtaining a license to keep a tavern, with the privilege of selling spirituous, vinous, or malt liquors, or the mixture of either, in addition to the tax now required by law, pay to the board of trustees, or such officer of the town as they may direct, and to form a part of the general revenue of the town of Trenton, the sum of twenty-five dollars to sell by the quart, and one hundred dollars to sell by the single drink; any person who shall violate the provisions of this section of this act, shall, for every offense, be liable to pay a fine of twenty dollars, which may be recovered by proceedings in the name of the Commonwealth of Kentucky, for the use of the board of trustees of said town. All licenses hereafter granted by the Todd county court, with the privilege of selling liquors, either spirituous, vinous, or malt, or mixtures of either in said town, without the consent of the board of trustees, said license shall be void, and no protection to him or her or them in any court of this Commonwealth.

§ 3. This act shall take effect from and after its passage.

Approved March 9, 1869.

CHAPTER 1837.

1869.

AN ACT to prevent the destruction of Fish in Clover Creek, in Breckinridge County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to haul or stretch a seine, net, set-net, trap, or any fish-net of any description, in Clover creek, in Breckinridge county, within ten miles of its mouth, or in the Ohio river within one quarter of a mile of the mouth of said creek.

§ 2. That proceedings may be had against any one violating the provisions of this act, by warrant by a justice of the peace or other proper officer, and, upon conviction, shall be fined not less than ten nor more than fifty dollars; and the amount of the fine may be recovered by attachment against the boats, nets, seines, or other apparatus used for the purpose of catching the fish, or in any way connected therewith; and the property so levied upon shall be held by the officer until the prosecution is disposed of; but the defendant may give bond for the performance of the judgment of the court, in which case the attachment shall be discharged.

§ 3. This act shall take effect from its passage.

Approved March 9, 1869.

CHAPTER 1838.

AN ACT for the benefit of the Trustees for the Churches composing the Logan Circuit of the M. E. Church, South.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. B. Sydnor, James S. Flowers, M. R. Browder, Absalom Miller, and G. B. Hite, trustees for the churches composing the Logan circuit of the Louisville Conference, Methodist Episcopal Church, South, are hereby authorized to sell, transfer, and convey any property, real or personal, which they hold in trust for said churches, and such conveyance shall pass the title of the property so conveyed to the party to whom said conveyance is made; and they are hereby authorized to reinvest the proceeds of such sale for the benefit of said churches: *Provided, however,* That no power granted by this act shall effect any question of title in said property, or any part thereof, as between divisions of the Methodist Church, or Methodist Church, South, which may have occurred since the acquiring of said property, or any part thereof.

§ 2. This act shall take effect from and after its passage.

Approved March 9, 1869.

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CHAPTER 1839.

AN ACT to declare Station Creek and Buck Creek, in Estill County, navigable streams.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Station Camp creek, from its junction with the Kentucky river to the mouth of Rock Lick Fork, and Buck creek, from its junction with the Kentucky river up to John Williams' upper line, and Miller's creek, from its mouth to the sinks of Big Stinking, are hereby declared navigable streams.

§ 2. This act shall take effect and be in force from its passage.

Approved March 9, 1869.

CHAPTER 1840.

AN ACT to authorize McLean County to vote on the removal of the Court-house in Calhoon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of McLean county shall, at the next general election, cause a poll to be opened at the several voting precincts in said county, for the purpose of taking the sense of the voters of said county as to the removal of the court-house in Calhoon; and the question shall be propounded to each qualified voter: Are you for or against the removal of the court-house? and his vote shall be recorded accordingly.

§ 2. That if a majority of the votes cast are in favor of the removal, the county court of McLean county, or a majority of the same, shall have power to sell or dispose of the present court-house and grounds, or parts of the same, and purchase ground and erect a new court-house on or near Ferry street, in the town of Calhoon.

§ 3. This act to take effect from its passage.

Approved March 9, 1869.

CHAPTER 1842.

AN ACT to authorize the voters of Bourbon County to vote on a proposition to subscribe to the stock of certain railroads, and to provide for issuing bonds of said County to pay the same.

WHEREAS, It is the desire of many citizens of Bourbon county that said county shall subscribe two hundred thousand dollars to the capital stock of the Maysville and Lexington railroad, Northern Division, and a similar sum to the stock of a railroad from Paris to Richmond, in the

county of Madison, via Winchester, and issue in payment thereof the bonds of said county, bearing interest at the rate of eight per centum per annum, due thirty years after date, but payable in five years from date, at the option of the county; and reserving the right to the county court of said county to supervise the expenditure of said sums in said county, on the respective roads, in a direction leading from Paris; therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of said county, at any regular or called term, a majority of its justices being present, and a majority of those present (including the county judge) concurring, may submit to the voters of said county, at any regular election, or on any day designated by them, the propositions recited in the preamble to this act. The proposal to subscribe to the two roads may be submitted as a joint or as separate propositions; and said court may submit one proposition at one time and the other at a different time, if it choose; and it may modify the proposition as submitted, by lessening the term the bonds have to run, or the interest they shall bear, or both; or prescribing that, if issued, bearing eight per cent. interest, they shall not be sold under par. And said court may omit or modify the proposition as submitted in regard to the expenditure of the money raised on the bonds and subscribed, and its supervision over it. Said election shall be conducted in the same manner, by the same officers, and certified as other elections under the general laws of the State. And if at said election a majority of the votes cast shall be in favor of said subscriptions, or either, it shall be the duty of the judge of said county court to make the same, in the name and on behalf of the county, and to have prepared and executed the bonds of the county of one thousand dollars each, according to the terms of the proposition voted on; which bonds shall have coupons attached, payable, together with the principal, at such place as said county court may determine. The bonds shall be signed by the county judge, countersigned by the clerk, and sealed with the county seal, and the coupons signed by the clerk. And the bonds, when so executed, shall be, by the county judge, delivered to the presidents of said railroads, or either, or held by him and sold, and the proceeds applied, under the direction of the county court, in the construction, as far as may be, of the railroad in the direction leading from Paris to its other terminus, as may be required by the terms of the proposition voted on.

§ 2. If any bonds are issued under this act, it shall be the duty of the said county court to levy, annually, such tax upon all the property in the county subject to State

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tax as will pay the annual or semi-annual interest, and create such a sinking fund as will be sufficient, ultimately, to discharge the bonds; which tax shall be collected by the sheriff of said county, as he is by law required to collect other railroad taxes in said county, and paid over in the same manner. And the funds so raised shall be under the control and management of the sinking fund commissioners of said county, and by them applied as specified in this act.

§ 3. This act shall take effect from its passage.

Approved March 9, 1869.

CHAPTER 1843.

AN ACT to incorporate the Town of Concordia

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary of town.

Election of trustees, & how conducted.

Term of office, all vacancies.

Take oath.

Name & style, and corporate powers.

§ 1. That the following shall be the boundaries of the town of Concordia, in Meade county: Beginning on the Ohio river on the upper side of Spring creek at its mouth; thence up the creek, with its meanders, to Hardin Stephenson's mill, but not to include it; thence with the road toward the road leading from Concordia to Brandenburg, to its intersection with the same; thence with a line of Richard Elder's land to Watson's Run; thence down Watson's Run, with its meanders, to its mouth; thence down the Ohio river, with its meanders, to the beginning. That the prudential, fiscal, and municipal concerns of said town shall be vested in seven trustees, who shall hereafter be elected on the third Monday in May, annually, by the qualified voters of said town, who shall have lived in said town six months previous to said election; the same to be conducted by two commissioners, William Roberts and Edward Buren, and Wm. H. Gaugh as clerk, the clerk of the board, who shall certify the names of the persons elected to the county court, as now directed by law. That said trustees shall hold their office for the term of one year, or until others are elected and qualified, and they shall have power to fill vacancies that may happen in the board; and before entering upon the duties of their office, they shall take an oath before some justice of the peace faithfully to discharge all the duties devolving upon them during their continuance in office; and that the president of the board shall have power to administer the oaths of office to all subordinate officers created by this act.

§ 2. That said trustees and their successors in office shall be known by the name and style of the trustees of Concordia; and by that name shall be capable in law of

contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; may use a common seal or private seal, and do all acts, matters and things, which a body-politic or corporate having perpetual succession can lawfully do.

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§ 3. That said board of trustees shall have power to make and receive all necessary conveyances of real estate in relation to said town. They shall have full power over the streets, alleys, and sidewalks now in said town, or which may hereafter be opened; may direct the improvement thereof by grading and paving, or macadamizing the same, in such manner as they may deem most beneficial to the interest of said town. They shall have power and authority to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the Constitution and laws of this Commonwealth. They shall have power to levy and collect a tax, upon the ad valorem principle, not exceeding twenty-five cents on each hundred dollars of the value fixed upon the property of each individual, that is now subject to execution under existing revenue laws of this State, as well as a poll-tax on each male that may be tithable, not exceeding one dollar and fifty cents for any one year. They shall have power to tax all shows and exhibitions of every description, to suppress all tippling-houses, riots, routs, and unlawful assemblies of all kinds, and may recover fines from all those who shall violate any of their by-laws, in any sum not exceeding twenty-five dollars for each offense, which may be recovered before any justice of the peace, giving the right of trial by jury in all cases, if required by either party. They shall have power to declare what are nuisances within said town, and may, by their by-laws, impose fines on those who may have caused the same; to provide for the security of said town against fire by organizing fire companies, defining their duties, and punishing, by fine or otherwise, those who shall fail to perform the duties required of them.

Receive conveyances.

Power over streets, alleys, &c.

May make by-laws.

May levy and collect tax.

Tax shows, &c.

Declare what are nuisances.

§ 4. That when, in the opinion of the board of trustees, it may be considered necessary to pave, grade, or otherwise improve any street, sidewalk, or alley in said town, it shall be the duty of the board to call a meeting of the owners of lots on said streets, sidewalks, or alleys, by causing an advertisement to be posted up at the post-office door in said town, giving notice of the time and place that said meeting is to be held, at least ten days previously thereto; at which meeting a poll shall be open-

May cause streets, &c. to be improved.

1869. ed, and a vote of the lot-owners shall be taken; and if it shall appear that a majority of the lot-owners on said street, sidewalk, or alley have voted in favor of making the proposed improvements, it shall be lawful for the board of trustees to levy a tax upon the lots on said street or alley sufficient to make the proposed improvement, each lot-holder paying in proportion to the value of said lot or lots as returned by the assessor; but if it shall appear that a majority of the owners of lots on said streets, sidewalks, or alleys proposed to be improved have not voted in favor of making the improvements, then, and in that event, they shall not be taxed for that purpose; and all persons who have contributed, by private subscription or otherwise, towards the grading and paving now under contract in said town, shall have a credit for the same on any future assessment for similar purpose.

Commission-
er of tax to be
appointed.

Other officers.

§ 5. It shall be the duty of said board of trustees to appoint, annually, a commissioner to take in a list of taxable property under this act, who shall return two lists, in writing, made out in a fair and legible hand, to said board, one for the use of the collecting officer, the other for the use of the board; they shall also appoint, annually, a clerk, treasurer, and marshal, and such other officers as may be necessary, and take from each of them, as they deem necessary, bond and approved security, payable to themselves, in such penalty as they may deem proper, all of whom shall take an oath, to be administered by the president of the board or a justice of the peace, faithfully to discharge every duty enjoined on them by their office.

President of
board.

§ 6. That it shall be lawful for said board to appoint some one of their own body president, who shall preside over all their deliberations (except when absent, on which occasions the board may appoint a president *pro tem.*), and whose duty it shall be to assemble the board on all necessary occasions.

Power and
duties of mar-
shal.

§ 7. That it shall be the duty of the marshal, and full power is hereby given him, to distrain for annual town taxes in all cases of non-payment, and sell, if necessary, in the same manner as now authorized by law in regard to sheriff in collecting the county levy and revenue tax: *Provided*, That in all sales of real estate for town tax, the lots levied upon shall be advertised at the door of the post-office and three other public places in said town, and shall be sold on the day of the justices' court in said town, being advertised at least one court previous to the sale thereof, for cash in hand: *And provided also*, That the original owners of any such lots of ground shall have the privilege of redeeming the same within two years after such sale, by paying to the purchaser the amount bid by him

for the same, with fifteen per cent. interest thereon, and costs and charges of sale.

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§ 8. That said board of trustees shall have power to impose and collect a tax not exceeding twenty dollars from the owners, manager or managers, of each and every store-boat that may land at said town for the purpose of vending merchandise of any description, unless they have previously obtained licenses from some clerk of some court of this Commonwealth; and it is hereby made the duty of the marshal to call upon all such persons, immediately upon their landing at said town, and ascertain whether they have taken out license elsewhere in this Commonwealth; and if such person shall fail or refuse to produce such license, it shall be the further duty of said marshal to prosecute such offenders under the State law, for which services he shall be entitled to the sum of five dollars, to be paid by the offender or offenders, to be recovered in the name of the Commonwealth, for his use and benefit, before a justice of the peace. They shall also have power to tax any theater, show-boat, or other exhibition on the river at the landing, in any sum not exceeding fifty dollars.

May tax store-boats.

§ 9. That it shall only require three of the trustees to constitute a board for the transaction of all kinds of business, except in levying taxes upon the citizens and property-holders of said town, when it shall require a majority of all the trustees.

Quorum of board.

§ 10. That so soon as the wharf and pavement now commenced, fronting the river two hundred feet, shall be completed to the top of the first bank, the trustees shall have power to levy and collect of each steamboat, flat, or keel-boat making fast at the landing, a reasonable tax or wharfage, to be collected by the marshal as the board by their order may direct.

May collect wharfage.

§ 11. That all fines collected under and by virtue of the by-laws or ordinances enacted by said trustees shall be for the benefit of said town; and said trustees are hereby authorized to receive and appropriate the same.

Fines for benefit of town.

Approved March 9, 1869.

CHAPTER 1844.

AN ACT to authorize the People of Henry County to vote a Tax for the purpose of aiding Companies in the Building of Turnpike Roads in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purposes of this act, Henry county shall be divided into three districts, and that the portion

County divided into three districts.

1869. thereof comprised in the following boundary: Beginning on the Kentucky river, at the upper corner of the farm of Humphrey Marshall; thence in a straight line westwardly to London's old mill, on Drennon's Lick creek; thence up said creek to its fork at or near the lands of R. Gaines; thence up its eastern branch to Shivel's old mill; thence up said creek to Easy's mill; thence on a straight line to William Kitson's farm, excluding him; thence on a straight line to the Baptist Church at Isham Smith's; thence to the Pleasureville and Bethlehem turnpike road at Pleasureville, so as to include that town; thence with said turnpike road and the Shelbyville road to the Shelby county line; thence with the line of Shelby and Henry to the Oldham county line; thence with the line of Oldham to the Trimble county line; thence with the Trimble county line to the Kentucky river; thence up the river to the beginning, shall be known as turnpike district number one, of Henry county; and all that portion of said county lying between the eastern line of district number one, from the Kentucky river, up Drennon's creek, to the Shelby county line, and the line across said county formed by Six Mile creek, from its mouth to where the Shelby county line crosses main Six Mile, shall be known as turnpike district number two of said county; all that portion of said county lying east of Six Mile creek shall be known as turnpike district number three of said county.

Vote to be
taken; when &
how.

§ 2. The judge of the Henry county court shall order an election to be held in said county within thirty days after the passage of this act, which order shall be published in a newspaper printed in the county, to ascertain the sense of the people as to whether they will impose upon themselves a tax for the purpose of constructing turnpike roads as hereinafter provided. Said election shall be held at such voting places as are in the aforesaid districts, by the officers of election last appointed by the county court. If in any case there are not a sufficient number of officers of election left in the districts hereby laid off to hold the election, then the county court shall appoint others to fill the places thus left vacant. Said election shall be held, and the poll-books returned to the clerk of the county court, as now provided by law in cases of other elections, except that no person shall be allowed to vote outside of the turnpike district wherein he resides, but only at his nearest voting place in said district. At said election, there shall also be chosen, in each turnpike district, five persons as turnpike commissioners, who shall be known as the turnpike commissioners of the district by which they are elected.

Who to com-
pare vote.

§ 3. On the fourth day following said election, the clerk of the county court, the clerk of the circuit court, and the

sheriff of the county, who are hereby constituted a board for that purpose, shall compare the poll-books, and shall forthwith certify the result of said election, embodying in their certificate the number of votes for and the number of votes against the ratification of this act, and the number of votes cast for turnpike commissioners in each turnpike district; and they shall cause their certificate to be entered of record in the order-book of the county court.

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§ 4. If in any district there shall be a majority of the votes cast in favor of the ratification of this act, then the same shall be in force in said district from the time the certificate of election is recorded; and the turnpike commissioners elected in said district shall be declared, by order of the county court, to be turnpike commissioners for the succeeding two years, and until their successors are elected and qualified. If in any district there shall be a majority of the votes cast opposed to the ratification of this act, then the same shall not be in force in said district, nor shall the commissioners be declared as officers under this law. In any district which may ratify this act, there shall, on the first Monday in August of each alternate year thereafter, be elected five commissioners to succeed those previously elected, until this act shall have been in force in said district ten years, after which two commissioners only shall be elected, in alternate years, as before.

When to take effect in each district.

Commissioners to be elected.

§ 5. In any district which may refuse, at the first election ordered under this act, to ratify the same, there shall, on the first Monday of August in each year thereafter, for five years, be held an election for the same purpose and in the same manner as the first election, and the result thereof shall be certified, and shall operate in like manner, if at any one of such elections this act be ratified by such district.

Vote to be taken annually in districts that refuse to ratify this act.

§ 6. Each one of the commissioners elected in any district which shall, at any election, ratify this act; or, at any election for commissioners, shall take an oath that he will faithfully discharge his duties under this act; which shall be noted of record in the county court order-books, and shall execute bond, payable to the Commonwealth of Kentucky, with good surety, in the sum of one thousand dollars, conditioned that he will faithfully discharge the duties of his office as turnpike commissioner of district No. —, of Henry county; which bond shall be filed in the clerk's office of the county court, and may be sued upon by any person having a right of action thereon, in the name of the Commonwealth of Kentucky, to his use. Said commissioners shall constitute a board, and may sue and be sued, by the name and style of the turnpike commissioners for district No. —, of Henry county.

Commissioners to take oath, give bond, &c.

Board may sue & be sued.

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Assessor to be appointed, his duties & powers.

§ 7. The said commissioners shall, immediately after they shall have qualified under this act, recommend by writing, which shall be filed in the county court clerk's office, one of their number, who shall be thus appointed the assessor for his district, who shall, once in each year, for ten years from the time this act takes effect in this district, before the first day of July, take and return to the board of turnpike commissioners an assessment of the number of male persons resident in his district over the age of twenty-one years, the number of acres of land owned by each person living in the district lying in the district, the value thereof, the number of town lots and their value, and the value, including cash and cash notes, of the personal property of such person living in the district, and of the name and residence of each person not residing in the district owning land therein, with the number of acres and value of such lands.

Collector to be appointed, his powers and duties.

§ 8. The said commissioners shall, in like manner, recommend one of their number, who shall be thus appointed collector of the tax to be imposed by this act, who may be the same person who holds the office of assessor, and who shall execute bond with good surety, in the sum of twenty thousand dollars, payable to the Commonwealth of Kentucky, conditioned that he will faithfully discharge the duties of his office, and will collect and pay over all money coming to his hands, and will turn over all books and money on hand to his successor in office, which bond shall be filed in the clerk's office of the county court, and may be sued on, as provided for the bonds of the commissioners.

Treasurer to be appointed; powers and duties.

§ 9. The said commissioners shall, in like manner, recommend one of their number, who shall be thus appointed treasurer of the turnpike funds of his district, who may be the same person who holds the office of assessor or collector, or both, and whose duty it shall be to receive of the collector all money collected by him under this act, and pay the same out on the written order of the board of turnpike commissioners, signed by a majority of said board, and entered upon the books of the board, and who shall execute a similar bond to that of the collector, which shall be disposed of and have effect as the bond of the collector; but if the office of collector and treasurer be held by the same person, the penalty of the bond shall be only twenty thousand dollars for both offices.

When books returned, tax to be assessed.

§ 10. The turnpike commissioners, for any district in which this act shall ever be in force, shall, within ten days after the return of the assessor's book to them, in each year, assess against each person returned on the assessor's list a tax of twenty-five cents on each one hundred dollars in value of all property assessed, and a

poll-tax of twenty-five cents upon each male over twenty-one years old, resident in said district; and shall affix to the name of each person returned on said book the amount of tax assessed against him for said year; and shall cause to be published in a newspaper printed in the county a list of the names, total value of property, and total amount of tax assessed against each person; said publication shall be made two successive weeks, and shall be paid for out of the turnpike fund for the district in which the tax is assessed.

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§ 11. If, within one month after the first publication of the list as provided in section ten, it shall be made to appear to the satisfaction of the turnpike commissioners that any person against whom such tax is assessed is a widow or a minor, and that the estate taxed is insufficient to pay the tax after supporting such widow or minor, they may remit the payment of the tax; and if, within the same time, it shall be made to appear to the satisfaction of the commissioners that the property of any person is assessed at too high or too low a rate of value, they may change such valuation.

Taxes may be remitted in certain cases.

§ 12. The collector shall proceed immediately, upon publication of the list, to collect the amount of tax assessed, and pay the same over to the treasurer of the turnpike fund; and may levy and sell, as the sheriff may, in the collection of taxes, for any part of said taxes not paid to him before the first day of September in the year in which said assessment is made; said taxes shall constitute a turnpike fund for the district in which it is collected, and shall be paid over to the treasurer thereof, and paid out by him as provided in this act. The commissioners shall, at the expiration of thirty days from the last publication of the tax list, file the assessor's book in the clerk's office of the county court.

When taxes to be collected.

§ 13. The said commissioners shall hold meetings at stated periods, not more than one month apart, at some place in their district, of which notice shall be given by publication in a newspaper printed in the county, and at which they shall settle all matters coming before them, and shall give necessary orders upon the treasurer. They shall keep a record of their proceedings; and they shall, once in each year, make and publish a fair and correct statement of the pecuniary affairs of the board, which statement shall be the result of a settlement of their accounts, made with a special commissioner, to be yearly appointed by the county court for that purpose, who shall be paid out of the turnpike fund twenty-five dollars for his labor in making the same.

Commissioners to hold monthly meetings.

To keep record, publish annual statement, &c.

§ 14. The commissioners shall be paid out of the turnpike fund the sum of two dollars for each day in which

Pay of commissioners.

1869. they, or either of them, except as assessor, collector, or treasurer, are employed on duty as commissioner, and each account for such services shall be accompanied by a written statement, on honor, that the services were rendered.

Pay of assessor.

§ 15. The assessor shall be allowed for his services one half of one per cent. on the total amount of tax assessed, which amount shall be ascertained by the commissioners, by computation, after the day for making changes in the assessor's book shall have passed, and shall be paid on their order out of the first money received by the treasurer.

Pay of collector.

§ 16. The collector shall be allowed for his services three per cent. on the total amount of tax collected by him, which amount shall be ascertained from his receipts from the treasurer, and shall be paid upon the order of the board; and if the collector and treasurer be the same person, the receipts of the treasurer to the collector shall be attested by at least one member of the board who does not hold other office than commissioner.

Pay of treasurer.

§ 17. The treasurer shall be allowed one half of one per cent. on all moneys received and accounted for by him for his services, which amount shall be ascertained from the settlement with the special commissioner, and allowed and paid on the order of the board.

How money to be paid out.

§ 18. No money shall be paid out of the turnpike fund of his district by the treasurer, except upon an order made at a stated meeting of the board, entered in the records of the board; and a duplicate thereof, signed by at least three members of the board, neither of whom shall be the treasurer, shall be the only proper voucher for the treasurer upon a settlement of his accounts.

Vacancy, how filled.

§ 19. If any vacancy shall occur among the commissioners by death or removal from the district, or by resignation, such vacancy shall be filled by the remaining commissioners by order appointing a proper person to fill the same, entered in their records and certified to the county court.

\$1,000 to be paid for each mile made in conformity to this act.

§ 20. If any person or persons, or any company chartered by law, shall, at any time within ten years after this act takes effect, in any district of Henry county, construct one complete mile of turnpike road, which may be used as part of a county road, with a grade of not more than five degrees, and covered with stone of a width of not less than twelve feet, and a depth of not less than twelve inches, upon a road-bed of not less than twenty feet in width, and not less than eighteen inches in height in the middle, and shall submit the same to the turnpike commissioners for the district; and if said commissioners shall find such road to comply with the re-

quirements of this section, then they shall draw their order in favor of the persons or company having made such road upon the treasurer for the sum of one thousand dollars for such mile of road, specifying therein exactly the beginning and ending points of such road, which order shall be paid by the treasurer out of any funds he may have on hand; and if he have no fund on hand, then out of the first money paid into the treasury; and all such orders upon the treasurer shall be paid in the order of presentation.

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§ 21. If there be, in like manner, a portion of road constructed which shall begin at the line of a district and connect with a completed mile of turnpike road, such portion not being a mile in length, the commissioners, upon finding that such portion of a mile of road is made as required by the preceding section, shall draw their order upon the treasurer for a fractional part of one thousand dollars, in proportion to the length of said fractional part of a mile of turnpike road.

Portion of mile
may be paid for.

§ 22. When two and one half consecutive miles of turnpike road have been completed, the persons or company having made the same may establish a gate thereon, at which tolls may be collected, but not in any case at a higher rate than that now fixed by the general statute law; and when five consecutive miles of turnpike road have been completed, the persons or companies having made the same may establish permanent gates thereon, at which tolls may be collected in like manner.

When gates
may be erected,
and toll collect-
ed.

§ 23. The turnpike fund of each district and the proceedings of commissioners for each district shall be kept and conducted independent of all other funds and districts.

District funds
to be kept sepa-
rate.

§ 24. This act shall take effect as to the elections provided for therein upon its passage; and it shall be in force in any district ratifying the same at any election held under this act from the time a certificate to that effect is filed in the county court, as herein provided.

When not to
take effect.

§ 25. This act to take effect from and after its passage.

Approved March 9, 1869.

CHAPTER 1845.

AN ACT for the benefit of the Widows' and Orphans' Fund Life Insurance Company, of Nashville, Tennessee.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the corporate powers and privileges granted under charters from this State to companies making insurance upon the lives of individuals, and any form of insurance connected therewith, be, and the same are hereby,

1869. granted to the "Widows' and Orphans' Fund Life Insurance Company, of Nashville, Tennessee," with power to establish branch offices at such points within the limits of this State as the said company may determine.

§ 2. Before the said company shall issue any policy of insurance under this act, the Auditor of this State shall certify to the president and directors of said company that he has received certificates from the county judges of divers counties in this State in which subscriptions may be made, certifying that fifty thousand dollars have been subscribed and secured by undoubted securities to the capital stock of said company, by good and solvent persons in this State.

§ 3. The provisions of this bill shall not be so construed as to allow any banking privileges; and the Legislature hereby reserves the right to amend or repeal this act at pleasure.

§ 4. This act to take effect from its passage.

Approved March 9, 1869.

CHAPTER 1846.

AN ACT for the benefit of Hardin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Hardin, a majority of the justices of the peace in commission in said county concurring therein, is hereby authorized to levy and collect a tax on the property in said county subject to taxation for State purposes, including amounts owned by residents of said county, which ought to be given in under the equalization law, not exceeding fifty cents on the one hundred dollars' worth of property; and a poll tax of not more than two dollars on each person subject to the payment of county levy for any one year for a period of four years, for the purpose of erecting in said county a court-house and jail, and offices for the several county officers who are required by law to keep an office at the county seat.

§ 2. The sheriff of said county shall collect the said taxes levied under this act, and pay the same over to the county treasurer; and in collecting he shall have all the powers given him by law in the collection of State revenue, and shall be subject to all the duties imposed by law in collecting other taxes. Before the said sheriff shall proceed to collect any taxes under this act, he shall execute to the county court of said county a bond, with good securities, to be approved by the county judge, with the same conditions now required by law in his bond for the collection of the

county levy, on which the same remedies may be had for any breach of its conditions.

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§ 3. The court making the first levy under this act shall appoint a county treasurer, who shall give bond in such sum and with such conditions as the order appointing him shall prescribe. The treasurer shall renew his bond at any time the court may require it, and shall hold his office during the pleasure of the court. The said court shall be known as court-house commissioners, and a majority of said commissioners shall have full and complete power and authority to select and purchase a site for the said court-house, offices, and jail; to adopt plans and make contracts, and supervise the work, and generally to do all such things in the premises as shall be to the interest of the county, and for the speedy, economical erection of the said public buildings named in the first section of this act. The said buildings shall be located within the boundary of Elizabethtown, as surveyed by L. E. Schultz, a map of which survey is recorded in the county court clerk's office of Hardin county: *Provided*, That said buildings shall not cost more than fifty thousand dollars, unless a majority of said court shall agree to an additional outlay.

§ 4. That the court-house commissioners may, if they deem it best to do so, sell and convey the jail and clerk's office in said county, together with the lots of ground on which they stand, and also the materials of the present court-house; and, if sold, the money arising from such sale shall be applied to the erection of the new buildings.

§ 5. That in case said commissioners cannot agree with the owner or owners of any property selected by them as a site for either the jail or court-house, the county judge shall issue his writ to the sheriff, commanding him to summon, empanel, and swear a jury of freeholders to fix the value of such property. The jury, after being sworn, shall view the property, and hear any proof offered touching its cash value, and shall, in their verdict, say what the property is worth; which verdict and the writ shall be returned to the county court. If the said court-house commissioners shall decide to accept the property at the price, they shall give notice of the decision to the owner of the property, and pay to him the amount assessed in gold, which payment shall divest the title of the owner, and vest in the Hardin county court for the site of the court-house or jail, or both, as the case may be.

§ 6. That in order to the speedy erection of said buildings provided for in this act, the said county court may, at the time of levying the first tax under this act, order the bonds of the county to be issued in denominations of tens, twenties, and hundreds, for not more than forty thousand dollars, bearing interest at the rate of seven

1869. per cent. per annum, and payable—one third in two years, and one third three years, and the balance in four years, which bonds shall be signed by the county judge, and countersigned and registered by the county clerk, and shall be receivable at any time after maturity in payment of taxes, under this act.

§ 7. It shall be the duty of the sheriff and other officers conducting the election for State Treasurer, in Hardin county, on the first Monday in August, 1869, to open a poll for and a poll against the tax provided in this act; and the clerks of said elections shall propound to each voter the question: Are you for or against a tax being levied and collected upon the property and people of Hardin county to build a court-house and other improvements, as provided by an act for that purpose passed by the Legislature in February, 1869? Those voting for the tax shall be set down and counted for it, and those voting against it shall be set down and counted against it. Each person in said county entitled to vote for a county or State officer shall be eligible to vote on said question. It shall be the duty of said sheriffs, clerks, and judges of said election, to certify on said poll-books the number of votes cast for and against said tax, and return the same to the county court clerk's office of said county; and on the third Monday in August, 1869, it shall be the duty of the county court judge and county court clerk of said county to carefully count from said poll-books the votes cast for and against said proposition, and certify the result, which certificate shall be entered at length upon the records of said court; and if a majority of said votes cast shall be for said tax, then this act shall be in full force; but it shall not take effect till after said election, nor till a majority of the votes cast at said election shall be cast for it, and that fact certified as aforesaid.

Approved March 9, 1869.

CHAPTER 1847.

AN ACT to facilitate the finding of Records in Hart County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the circuit court of Hart county shall procure and supply to each and every record book belonging to his said office a good and sufficient double index; and it shall be his duty to carefully make and accurately cross-index all the orders, judgments, decrees, and other minutes in said books, and the terms of the court at

which they were made: *Provided, however,* That this act shall not apply to fee books, memorandum, or minute books in said office; and it shall be the duty of the present and all future clerks of said court to so provide and keep the records of said court indexed.

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§ 2. That the judge of said court, in term time, shall make an order and spread it upon the record, fixing a reasonable allowance to said clerk, from time to time, for said services, so far as the present lot of records are concerned; and when a certified copy of said order is presented to the regular county court of claims for said county, it shall be the duty of said court to make provision for the payment thereof out of the county levy for said county, and direct the same paid to him.

§ 3. That the clerk of the county court of said county of Hart shall also proceed to procure and provide a double index for each county court order-book in his office, and carefully and accurately cross-index every order and minute in each of said books; and it shall be the duty of the present and future clerks of said court to procure a double index for each county court order-book hereafter used by said court, and carefully cross-index therein every order, judgment, and minute made therein in said court; and the county court of claims of said county is directed to allow and pay said clerk out of the county levy of said county a reasonable compensation for his said services in indexing said books now in his office.

Approved March 9, 1869.

CHAPTER 1848.

AN ACT to incorporate the Cane Run and King's Mill Turnpike Road Company, in Mercer County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, formed and created a body politic and corporate, by the name and style of the Cane Run and King's Mill turnpike, with D. M. Bowman as president, and D. B. Bowman, R. King, D. J. Curry, H. Proctor, and R. Moberly as directors, for the purpose of constructing a turnpike road from a point on the Harrodsburg and Cane Run turnpike, known as Curd's shop, in Mercer county, to King's Mill, on Dix river.

§ 2. That the capital stock of said company shall be limited to the sum of fifteen thousand dollars, divided into shares of fifty dollars each.

§ 3. That a book or books may be opened for the subscription of stock in said company at Cane Run Church,

1869. under the charge of the above named managers as commissioners, on the first Saturday in March, 1869, or as soon thereafter as convenient, and said commissioners may continue the books open as long as they may think proper.

§ 4. That the subscribers shall, in the books of the commissioners, enter into the following obligation, to-wit: "We, whose names are hereto subscribed, do respectively promise to pay the president, directors, and company of the Cane Run and King's Mill turnpike road company, fifty dollars for each share of stock set opposite our names, at such times as they may designate, and pay the same in such proportions, and at such times, as said president and directors may require. Witness our hands this — day of —, 1869." Which amounts shall be collected in the proper courts.

§ 5. It shall be the duty of the above named directors to give notice, in such manner as they may think proper, for a meeting on the first Saturday of January, 1870, of the stockholders, to meet at such place as the directors may designate, for the purpose of electing a president and five directors; and one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year, and until their successors are duly elected. The time and place for all elections shall be fixed by the president and directors. A majority of the commissioners or directors shall be competent to transact all business. The above-named officers, to-wit: D. M. Bowman as president, and D. B. Bowman, R. King, D. J. Curry, H. Proctor, and R. Moberly, as directors, shall be the president and directors of said road until their successors are elected in January, 1870; and said president and managers shall have power to elect a treasurer and secretary, and such other officers as may be necessary to conduct the business of said company; and said president and managers shall have the power to make such by-laws, orders, and regulations, not inconsistent with the laws of this State, as may be deemed necessary for the management of the affairs of said company: *Provided, however,* That the treasurer of said company, before he enters upon the duties of his office, shall execute bond, with good security, conditioned for the faithful discharge of the duties of said office.

§ 6. That said president and directors shall be a body-politic and corporate, in fact and in law, under the name and style of the Cane Run and King's Mill turnpike road company; and by that name and style shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding the increase and profits thereof, and of taking and holding, by

purchase or gift, all such lands, tenements, hereditaments, real or personal property, as may be necessary for the prosecution of their works, or the objects of this corporation; they shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity or elsewhere; they shall also have and use a common seal, which they may alter the same at pleasure, and generally to do all and every matter or thing which a corporation may lawfully do to effect the objects for which this corporation is created.

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§ 7. That there shall not be erected on said road more than one toll-gate, and that one shall be located within a quarter of a mile from Curd's shop; and said company shall be governed in the regulations of the tolls of said road in the same manner, and by the same rules, as govern the president and managers of the Nicholasville, Harrodsburg, and Perryville turnpike company.

§ 8. That those men whose land lie along said road shall be exempt from working on any other road, provided they take stock in said turnpike road company.

§ 9. A number of persons have already taken stock in said company, and signed an obligation similar to the one embraced in this act, and said subscription is legalized in said persons, and may be collectable in any court in this State having jurisdiction.

§ 10. This act shall take effect from its passage.

Approved March 9, 1869.

CHAPTER 1849.

AN ACT to amend the Charter of the City of Henderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of said act, entitled "An act to amend and reduce into one the several acts concerning the city of Henderson," approved 11th February, 1867, as requires the election of the city assessor to be by the qualified voters of the said city, be, and the same is hereby, repealed.

§ 2. A majority of the common council of said city shall, at some regular meeting after the first Monday in May, 1870, and once in each year thereafter, appoint some suitable person as city assessor, who shall hold his office for such term as may be prescribed by said council, and until his successor is duly appointed and qualified. The person so appointed shall take the oaths and give bond, and perform the duties of city assessor as now prescribed by law.

1869.

§ 3. In case of a vacancy in said office of city assessor between now and said first Monday in May, 1870, the same shall be filled by appointment by the said common council; and hereafter all vacancies in said office of assessor shall be filled by appointment of said common council.

§ 4. That hereafter the common council shall have power, a majority of them concurring therein, to appoint as many persons as they may think proper as policemen, night-watches, and patrol of said city, and to remove them, or any of them, at pleasure; and also to appoint and remove at pleasure some suitable person as chief of police of the city of Henderson, whose duty it shall be to take active command and charge of all the policemen, patrol, and night-watch of the city, under such rules as may be prescribed by the common council; but nothing in this section shall be considered as a repeal of section four, article four, of the act hereby amended. In case the common council shall fail or refuse to appoint such policemen, night-watch or patrol, or such chief of police, then the mayor of the city shall make such appointments. The mayor of the city may, at any time when he thinks the public good requires it, appoint suitable policemen, night-watches, and patrol; but such appointment shall not be for a longer time than the next regular meeting of the common council.

§ 5. The mayor and common council shall have power to issue and dispose of the bonds of the city of any denomination, bearing interest not exceeding ten per cent. per annum, and pledge the revenues of the city therefor; said bonds shall not run longer than thirty years; the interest may be payable semi-annually, or at the maturity of said bonds; they may be payable to bearer and pass by delivery: *Provided*, That they shall not have outstanding at any one time a greater amount than one hundred thousand dollars; and if any excess of this amount is issued, the members of the council voting therefor shall be individually liable for said excess to the holders of said bonds so issued: *Provided*, That before any of said bonds are issued, three fourths of the entire board of council shall concur therein, and the yeas and nays recorded in the journal.

§ 6. This act shall be in force from and after its passage.

Approved March 9, 1869.

CHAPTER 1850.

1869.

AN ACT to amend the act approved February, 1866, entitled "An act to amend and reduce into one the several acts in relation to the Town of Greenupsburg," and also of the several acts amendatory thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in case the clerk of the board of trustees shall fail to give the notice and hold the election as he is required to do annually by the first section of article two, chapter one hundred, Revised Statutes, he shall be fined in any sum, in the discretion of a jury, not exceeding twenty-five dollars, to be recovered by action in the name of the Commonwealth of Kentucky, for the use of any one suing therefor, or on indictment of a grand jury.

§ 2. That the board of trustees shall not, in any state of case, hold their offices for a longer time than two months after the first day of June of each year.

§ 3. That in case of a failure to hold an election for trustees on the first Monday in June, then, upon the application in writing, made by any two or more of the voters in said town, to the county judge of Greenup county, shall authorize him, and it shall be his duty, to authorize an election to take place at any day thereafter within two months after such application.

§ 4. That in case there should be a failure to elect a board of trustees on the first Monday of June, and no election should be ordered and held within two months thereafter, as provided in the preceding section, then it shall be the duty of the county court of Greenup county to appoint a board of trustees as now provided by law.

§ 5. That hereafter, in the improvement of any street, alley, or lane within the town, the cost thereof shall be paid as follows, viz: One third of the cost of improvement shall be paid by the owners of lots and fractions of lots fronting on such street, alley, or lane, in proportion to the frontage thereon of the lots and fractions; that one third of the cost shall be paid by the owners of lots and fractions of lots fronting thereon, *pro rata*, according to value; that the remaining cost shall be paid out of the general revenue of the town: *Provided*, That where a street, alley, or lane has been improved by macadamizing or graveling, or improvement of equal cost, the ordinary cost of keeping the same in repair shall be paid out of the general revenues of the town: *Provided further*, That in the improvement of any street, alley, or lane within the town, the amount the property fronting thereon shall be required to pay within any one year, in addition to the general tax, shall not exceed one and one half per cent.

1869. § 6. That it shall be the duty of the sheriff of Greenup county to open a poll and hold an election at the courthouse in the town of Greenupsburg, between the hours of 8 o'clock, A. M., and 5 o'clock, P. M., on the first Monday in June next, at which election none but qualified voters residing in the limits of said town shall be entitled to vote; and he shall submit this act to said voters for their approval or rejection. That said poll-book shall be compared by the same board now established by law to compare poll-books of several elections; and if a majority of the votes are cast in favor of this act, it shall thenceforth be in full force; but if a majority of said votes are cast against it, then it shall be declared rejected, and of no binding force whatever.

§ 7. Said sheriff shall give at least ten days' notice, by written notices posted at public places in said town.

Approved March 9, 1869.

CHAPTER 1851.

AN ACT to regulate the Jurisdiction of Justices of the Peace in Carrsville Civil District, in Livingston County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the courts of justices of the peace in Carrsville civil district, in Livingston county, in all cases wherein the defendant is a resident of said civil district, shall have jurisdiction exclusive of the circuit court, but concurrent with the quarterly court, of all actions and proceedings for the recovery of money or personal property, where the amount in controversy, exclusive of interest and costs, does not exceed one hundred dollars in value, and in other cases specially provided by statute: *Provided*, That in all cases where the amount in controversy exceeds fifty dollars, exclusive of interest and costs, the justice shall collect a tax of fifty cents, to be taxed as costs, which tax he shall pay over to the trustee of the jury fund for Livingston county. Each justice shall report the amount thus collected to the circuit court at each term, and shall be responsible for the same on his official bond.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1869.

CHAPTER 1852.

1869.

AN ACT to prohibit the sale of intoxicating liquors in Cave Spring Station, in Logan County.

WHEREAS, The citizens of Cave Spring Station, and those adjacent thereto, regard the trafficking of ardent or intoxicating liquors, in any community, as very injurious to the morals of that community, and liable to destroy the peace and happiness of any people among whom such traffic is allowed; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Cave Spring Station, in Logan county, State of Kentucky, shall embrace a perfect square, the sides of which square shall each be one half of a mile in length, and shall run, respectively, with the cardinal points of the compass, and the center of which square shall be the centers of the Watermelon road and the Louisville and Memphis Branch railroad at the point of intersection of said roads.

§ 2. That no ardent or intoxicating liquor or liquors shall be sold within the above named boundary of Cave Spring Station or on the grounds between said Station (due north) and the Russellville and Clarksville road, on penalty of one hundred dollars for every offense against this enactment, one half of which amount shall go to the informant, and the other half to the benefit of the Commonwealth of Kentucky.

§ 3. That nothing in this act shall be construed as interfering with the business or chartered privileges of the aforementioned railroad at that (Cave Spring) station.

§ 4. This act to take effect from the day of its passage.

Approved March 9, 1869.

CHAPTER 1853.

AN ACT to legalize and make valid all Summons and Process, and the returns thereon, issued and made Returnable to the next Term of the Lawrence Circuit Court, as if made Returnable to the next May Term of said Court, and to legalize and make valid all Proceedings thereunder.

WHEREAS, The clerk of the Lawrence circuit court, under a misapprehension as to the time of the meeting of the next term of said court, has made the summons and other processes to said term returnable to the June term of said court, when the next term of said court, by reason of next May having five Mondays in it, commences on the last day of May next; now, in order to rectify said mistake and legalize said summons and processes, and the returns thereon, as if made returnable to the May term of said court,

1869. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That any and all summons and other processes which may have been issued by the clerk of the Lawrence circuit court, returnable to the next June term of said court, and the returns thereon, shall be effectual and legal as if made returnable to the next May term of said court; and any and all proceedings may be had and taken at the next May term of said court, in all cases in which summons and processes have been so issued and made returnable, and the same shall be as valid and binding as if said summons and processes had been made returnable to the next May term of said court.

§ 2. This act shall be in force from its passage.

Approved March 9, 1869.

CHAPTER 1854.

AN ACT to amend the Charter of the Town of Mt. Olivet.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 That the act incorporating the town of Mt. Olivet, in the county of Robertson (then in Nicholas and Bracken counties), be so amended that the boundaries of said town shall hereafter be as follows: Beginning at the well in the yard of Dr. M. S. Brown, and to extend along the road leading from the premises of the said Brown, and to run along the line of said road to a tree on the margin of said road, and some fifty yards from the road intersecting the road aforesaid; thence along and parallel with said road (which road leads to Blue Lick Springs) southeast, including the residence of Dr. Riley Wells, and to the line of his yard fence beyond the house from the beginning; and thence across the road over to a barn on the premises of Jno. Rigg, said barn being on the old established limits of the town of Mt. Olivet.

§ 2. The trustees shall have the power to levy an ad valorem tax, not to exceed ten per cent., upon all the taxable property in said town, and one dollar and fifty cents for each tithe resident in said town.

§ 3. That the trustees of said town shall have power to compel the owners of town lots in said town to grade and pave a foot-walk in front of their lots, not exceeding ten feet wide, with good brick or rock, according to the directions of said trustees, and when, in the opinion of the trustees, it is necessary to repair the pavements already made; and if the owner of any lot shall fail or refuse, after reasonable notice is given to him or her by said trus-

tees, to repair or make said pavements or foot-walks, the trustees may cause the same to be made or repaired, and recover the expenses thereof by suit from the owner of the lot, and shall have a lien upon the lot for the amount expended in making said foot-paths, or repairing those already made. If the owner of any lot does not reside in the town of Mt. Olivet, the trustees shall give him or her a written notice, signed by the president of the board of trustees, one month before the improvements shall be required to be made. Any failure or refusal thereof, after such notice, to make the improvements of sidewalk or pavement, shall be liable to same penalty as set forth in the first part of this section.

1869.

§ 4. That the trustees of said town shall have power to grant license to keep a coffee-house, and may charge for the same a tax not to exceed one hundred dollars per annum; also to levy and collect a tax on tavern-keepers, not to exceed in any one case more than fifty dollars per annum.

§ 5. This act shall take effect from its passage.

Approved March 9, 1869.

CHAPTER 1855.

AN ACT to amend two acts in regard to Vanceburg, in Lewis County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fourth, fifth, and tenth sections of an act, approved February 10, 1866, amending and reducing into one all acts in regard to the town of Vanceburg, and the third section of an act, approved March 6, 1867, for the benefit of the city council of Vanceburg, are hereby amended as follows: All officers provided for by said two acts, to be elected by the qualified voters of Vanceburg, shall hereafter be elected on the first Saturday in January in each year, instead of the first Monday in August. The first election under this act shall take place on the first Saturday in January, 1870, and on the same day every succeeding year thereafter. All officers now in office in said city shall hold their offices until the first Saturday in January, 1870, and until their successors are elected and qualified.

§ 2. That the city council of Vanceburg, at a regular meeting, or one called for that purpose, shall have, and is hereby given, authority, to appoint a person or persons to fill a vacancy or vacancies in any office of said city; said appointee to hold the office until the next regular election, and until a successor is elected and qualified.

1869. § 3. This act shall take effect from and after its passage.

Approved March 9, 1869.

CHAPTER 1857.

AN ACT to amend an act, entitled "An act to incorporate the Wyoming and Bald Eagle Turnpike Road, in Bath County," approved March 9, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Wyoming and Bald Eagle turnpike road, in Bath county," approved March 9, 1867, be so amended that the capital stock of said road shall be six thousand dollars, instead of ten thousand dollars, and that the shares in said road shall be fifty dollars each, instead of one hundred dollars.

§ 2. That this act shall take effect from its passage.

Approved March 10, 1869.

CHAPTER 1858.

AN ACT for the benefit of the Campbell County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Campbell county be, and is hereby, authorized to borrow a sufficient amount of money for the purpose of paying the present indebtedness of said county, and appropriations heretofore made by said court. It may borrow said money from individuals and corporations, and stipulate for the repayment of the sums borrowed, with interest, at such times as it may deem proper, not to exceed, however, the period of two years; and said court may cause a written obligation for the payment of the sums so borrowed, with the annual interest, which shall not exceed ten per cent. per annum, to be executed to the lenders under the seal of the court, signed by its presiding judge, and countersigned by its clerk; which, when so executed and delivered, shall be as binding in law as if executed by a natural person.

§ 2. That said county court shall have power to levy and collect an ad valorem tax on all the real and personal property of the county subject to State tax, not exceeding ten cents on the hundred dollars in any one year. Said tax shall be collected by the sheriff of Campbell county at the same time and in the same manner that the county levy is collected, and he shall be allowed the same commissions as are now allowed by law for collecting the State revenue; and he shall be liable on his bond as sheriff

for the faithful collection and disbursement of the money. Said tax, when collected, shall constitute a fund to pay off the principal and interest of the money borrowed to pay off the present indebtedness of said county, and appropriations heretofore made, and for no other purpose. And the court is hereby empowered to make all necessary orders to insure the payment and collection of the same; and the power herein vested in said court shall cease as soon as the object specified in this act shall have been accomplished: *Provided, however,* That the provisions of this act shall not apply to the city of Newport or the city of Dayton. 1869.

§ 3. This act shall take effect from and after its passage.

Approved March 10, 1869.

CHAPTER 1859.

AN ACT to incorporate the "Woodford Hotel Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Lewis Sublett, John Amsden, Thos. P. Porter, A. C. Higbee, D. J. Williams, W. W. George, sr., James P. Ford, M. J. Haden, John Miles, James E. McCown, Jo. C. Carter, S. B. Lyons, and John Stout, be, and they are hereby, created a body-politic and corporate, under the name and style of the "Woodford Hotel Company;" and by this name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded; to have and use a common seal; to alter, renew, and change the same at pleasure; to have, possess, lease, purchase, and retain such lands, tenements, goods and effects, as may be necessary for the erection, conducting, and furnishing a hotel in the town of Versailles; to rent and demise said hotel, furniture, &c., and all such rooms and store-houses as they may construct in the erection of said hotel; and said company shall have power to ordain and put in execution all such by-laws, rules and regulations, as are necessary for the government and carrying out the objects of this corporation, provided they be not contrary to the Constitution of this State and the United States.

§ 2. That the capital stock of said company shall not exceed twenty-five thousand dollars, to be divided into shares of one hundred dollars each; and the persons heretofore named shall provide and cause to be opened a book or books, in such place or places as to them may seem best, for the subscription of stock, in which shall be written the obligation of each person subscribing for said stock; and when the president and directors shall be chosen as here-

1869. inafter provided, they shall have full control of said books, and may cause the same to be opened, from time to time, until the entire amount of stock herein mentioned is subscribed.

§ 3. The chairman and board of trustees of the town of Versailles are hereby authorized and empowered to subscribe stock in said company in any sum not exceeding ten thousand dollars, provided they, by order which shall designate the amount to be subscribed, submit the question whether such subscriptions shall be made to the persons who are entitled to vote at general elections held for town offices; and if the persons voting at such elections shall vote in favor of subscribing stock in said company, then it is hereby made the duty of the said chairman and board to subscribe the amount of stock designated in said order. Said election, should one be held by the said chairman and board, shall be on some day selected by them, due notice thereof having first been given, by printed notices posted up at the court-house door, and three or more public places in said town, ten days or more before the day of election, which shall be held by the same officers, and as elections are now held under the charter of the town of Versailles.

§ 4. That to pay whatever sum may be subscribed by said town, the chairman and board may obtain a loan, upon a credit for a term not exceeding ten years, by the issuing of a bond or bonds of said town, which bond or bonds shall be executed by the chairman of the board of trustees of said town, and attested by the clerk of the Woodford county court, and shall bear an interest not exceeding seven per cent. per annum, and for the payment of which it shall be the duty of the trustees of said town to levy an ad valorem tax, in such manner and at such times as may be necessary to meet the interest and pay the principal at maturity; and should it be necessary, they shall have the power to levy a poll tax, not exceeding two dollars per head, on all persons upon whom the said town is authorized to levy a poll or head tax by the provisions of its charter. The said ad valorem tax to be assessed and levied on the property in said town taxable and taxed for town purposes.

§ 5. The said ad valorem and head tax shall be collected by the collector of the town of Versailles, who shall collect it in the same way, at the same time, and have the same powers for collecting said tax he has for collecting the other taxes of the town, and he shall be responsible on his official bond therefor; and the chairman and board of said town shall have the power to require additional bond of said collector, and remove him if he refuses to give the same.

1869.

§ 6. That as soon as fifty shares of said stock shall have been taken by *bona fide* subscribers, the above-named corporators shall call a meeting of the stockholders, and hold an election for a president and five directors, who shall hold their offices for one year, and until their successors are chosen and enter on the discharge of their duties. At said election, at least three of the above named corporators shall be present, who shall proceed to take the votes *viva voce* or by ballot of said stockholders, who shall have the right to one vote for each share so held. Should a vacancy occur, the remaining directors shall fill the same by appointment; and should a vacancy of all the directors occur, then any three stockholders may call a meeting of the remaining stockholders, for the purpose of choosing directors to fill the unexpired term of the removed directors, which election shall be governed by the same rules and regulations as the annual elections.

§ 7. That upon the election of the president and directors as aforesaid, they shall appoint a treasurer, secretary, and such other officers as they shall deem necessary, who shall hold their offices during the pleasure of said president and directors. The treasurer, before he enters, shall give bond, with two or more sufficient securities, conditioned that he will faithfully discharge the duties of treasurer of said company, and pay over to the persons entitled thereto any money that may come to his hands as treasurer.

§ 8. That said president and directors, upon their entering on the duties of their office, may call upon the stockholders for the payment of twenty dollars on each share subscribed in said stock; and may, if deemed necessary, call for ten dollars on each share every sixty days, until the whole amount subscribed shall be paid.

§ 9. The stock shall be personal estate, for which the president and directors shall issue certificates to the owners, which shall be transferable in such manner as the corporation may prescribe by the by-laws.

§ 10. The president and directors shall have the right to declare when a stockholder has forfeited his stock and the payments made; but no such forfeiture shall be made by them without the service of a notice on the delinquent stockholder at least twenty days before the record of such forfeiture shall be made on the books of the corporation; such forfeiture shall not release said stockholder from the sum yet remaining unpaid.

§ 11. The annual election of officers shall be had on some day selected by the above-named corporators.

§ 12. Any three members of the directory, together with the president, shall constitute a quorum for the transaction

1869. of business, unless this corporation shall fix on and require a different number.

§ 13. This act shall take effect from its passage.

Approved March 10, 1869.

CHAPTER 1860.

AN ACT to incorporate the Flat Fork and Bethel Branch Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby incorporated a turnpike road company, by the name and style of the Flat Fork and Bethel Branch turnpike road company, for the purpose of constructing a turnpike road from the Mayslick and Flemingsburg turnpike road, at a point near the school-house on the lands of Jno. Shanklin, to the Elizaville and Helena turnpike road, in Fleming county, near the mouth of Bethel Branch; said road to run on the most practicable route between said points, and to be determined by the commissioners hereinafter named.

§ 2. The capital stock of said company shall not exceed fifteen thousand dollars, to be divided into shares of one hundred dollars each.

§ 3. The books for subscription of stock shall be opened by Jno. S. Mitchell, H. C. Liter, S. H. Mitchell, Denis Burns, and Enoch Burns, or any other person living on said route, who are hereby appointed commissioners for that purpose, at such time and places as they, or a majority of those who may act, deem proper. They shall insert in the subscription books or papers the following obligation, viz: We, whose names are hereunto subscribed, severally promise to pay to the president, directors and company, of the Flat Fork and Bethel Branch turnpike road, the sum of one hundred dollars for each share of stock in said company set opposite our names, in such manner and proportions, and at such times, as shall by them be required under the law incorporating said company, to be collected as other debts. Witness our hands. When the sum of four thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of said commissioners above named to give notice, in such manner as they may think proper, of a meeting of the stockholders of said company, at such time and place as may be specified in said notice, for the purpose of electing a president and three or five directors, as they may determine; one vote shall be allowed for each share of stock, and the president and directors shall continue in office for one year, and until

1869.

their successors are elected and qualified. The time of all elections after the first election shall be fixed by the president, and a majority of the board shall be competent to transact business; said directors shall appoint a treasurer and such other officers as they may deem necessary; and the treasurer, before he enters on the duties of his office, shall execute a bond to said company, with security to be approved by the directory, in whatever penalty they may require, for the faithful performance of his duties as treasurer; and whenever a demand shall be made upon him by the directory or its authorized agent, he shall pay over all sums of money in his hands as treasurer; and he shall continue in office until the directory shall make another appointment.

§ 4. That, upon the election and qualification of said directors, they shall be a body-politic and corporate, by the name and style of the Flat Fork and Bethel Branch turnpike road company; and by said name shall have perpetual succession, and all the privileges and franchises incident to corporations; shall be capable of holding their capital stock and increase and profits thereof, and taking and holding, by purchase or gift, all such lands, tenements, hereditaments, real or personal property, as may be necessary for the prosecution of their work or the objects of this corporation; they shall have power to contract or be contracted with, sue and be sued, plead and be impleaded, in any court of law or equity; also to have a common seal, and to do all and any act or thing which a corporation may lawfully do to effect the objects for which this corporation is created.

§ 5. Said president and directors shall fix and regulate the elevation and grades of said road, the width and the part thereof to be covered with stone; shall designate the place of erecting a toll-gate; may fix the rate of toll; may regulate and change the same; but the rates of toll shall not exceed those prescribed by the general law; and when two miles of said road shall have been completed, said directors shall be allowed to erect a toll-gate and collect tolls.

§ 6. The president and directors, with their surveyors, are hereby authorized and empowered to enter in and upon the lands and inclosures and public roads in, through, and over which the intended road may pass, and to examine and survey the grounds necessary for that purpose; to examine quarries and beds of stone or other material necessary for the construction of said road. The president and directors have the right, and are hereby authorized, to take the consent, in writing, of any and all persons who may be disposed to grant the right of way for said road, the use of rock and other material for building same with-

1869. out charge, which, being so given, shall be binding to all intents and purposes: *Provided, however,* If the same cannot be obtained by the consent of the owners of the land, the company are authorized to procure the right of way, material, &c., in the mode and manner prescribed by the Revised Statutes.

§ 7. This act to take effect from and after its passage.

Approved March 10, 1869.

CHAPTER 1861.

AN ACT to amend the Charter of the Town of Marion, in Crittenden County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if, from any cause, an election of a board of trustees, police judge, marshal, or town attorney, shall not be held at the times now prescribed by charter for the election of said officers, the chairman of the board of trustees in office at the time, or, in case of a vacancy in said office, the police judge of said town, shall order an election, to take place at such time as he may designate, for any or all of said officers; but ten days' previous notice shall be given of the time and place and purposes for which said election is held, by written notices posted in three or more public places in said town; and any election so held shall be conducted in the same manner, and under the same restrictions, as now prescribed by law, and shall be as valid as if held at the times now prescribed by law: *Provided,* That any officer elected at such special election shall not hold his office beyond the time fixed for the next regular election, and the election and qualification of his successor in office.

§ 2. The board of trustees of said town may require all vendors of spirituous, vinous, or malt liquors, within the corporate limits, other than coffee-house and tavern-keepers, to pay a tax not exceeding fifty dollars per annum, and obtain a license, the tax to be paid as the board of trustees may direct, and shall be for the use and benefit of the town.

§ 3. That no license shall be granted by the county court of Crittenden county to keep a tavern, with license to sell spirituous, vinous, or malt liquors within the corporate limits of the town of Marion, until the applicant for such license shall have first obtained the consent of the trustees of said town, and shall produce to the court the written permission of the board of trustees of the town. This shall not be construed to abridge the power of the county court in the exercise of its discretion in refusing a

license to keep a tavern. The party obtaining a license to keep a tavern shall, in addition to the tax paid by law, pay to the board of trustees, or to such officer of the town as they may direct, and to form a part of the general revenue of the town, a sum not less than ten nor more than one hundred dollars per year, to be fixed by the board of trustees. Any person who shall violate the provisions of this or the preceding section shall, for every offense, be liable to pay a fine of thirty dollars, which may be recovered by proceedings in the name of the Commonwealth of Kentucky, for the use of the board of trustees of the town of Marion.

1869.

§ 4. That if any person shall leave the dead body of any horse, mule, cow, sheep, hog or dog, or other animal, for over twenty-four hours after having notice thereof, within the corporate limits of said town, or within one half mile of the corporate limits of said town, of which he, she, or they were the owner, the person thus offending shall be fined in a sum of not less than two dollars and fifty cents and not exceeding twenty dollars, to be recovered by proceedings under warrant in the name of the Commonwealth of Kentucky, for the use of the board of trustees, before the police judge of said town.

§ 5. That the police judge of said town shall have jurisdiction to try all breaches of the ordinances and by-laws of the town without the intervention of a jury, unless the party on trial shall make affidavit that he believes he cannot obtain a fair and impartial trial before said judge without a jury, in which case it shall be the duty of said judge to cause a jury to be summoned and empaneled to try said cause.

§ 6. Nothing in this act shall be so construed as to deprive parties of the right of appeal, as provided in the original act of incorporation and amendments thereto.

§ 7. This act shall take effect from its passage.

Approved March 10, 1869.

CHAPTER 1863.

AN ACT to amend an act to incorporate the Licking River Lumber and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Moses D. Kirk, M. D. Martin, Wm. Mynhier, Joseph Gardner, and J. D. Young, be, and they are hereby, appointed commissioners to notify the Licking River Lumber and Mining Company to remove any and all obstructions they may have placed in said river under the provisions of an act to which this is an amendment.

1869. § 2. That said "Licking River Lumber and Mining Company" shall, and they are hereby required and ordered, within sixty days from the service of notice on the president of said company, to remove all dams and obstructions erected by said company on said river, at their own expense; said notice may be executed on the president of said company, if found; and if not, said notice may be executed by posting the same up at their place or places of doing business on Licking river.

§ 3. This act shall take effect and be in force from its passage.

Approved March 10, 1869.

CHAPTER 1864.

AN ACT for the benefit of Joseph L. McCarty, late Sheriff of Whitley County, and his Sureties.

WHEREAS, It appears that the homestead of Joseph L. McCarty, late sheriff of Whitley county, was sold on an execution issued from the Franklin circuit court on a judgment rendered against him for failure to collect and pay into the Treasury the revenue of said county for the year 1863; and whereas, said homestead is subject to be redeemed by said McCarty; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph L. McCarty, late sheriff of Whitley county, and his sureties, be released from the damages adjudged against them for the non-payment of the revenue of 1863, amounting to three hundred and forty-five dollars and seven cents (\$345 07): *Provided*, Said McCarty and his sureties shall pay into the Treasury all of the principal, interest, costs, and attorney's fees of said judgment, on or before the 16th day of November, 1869.

§ 2. This act shall take effect from its passage.

Approved March 10, 1869.

CHAPTER 1865.

AN ACT in relation to State Roads in Marshall and Crittenden Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the powers conferred by statute, the county courts of Crittenden and Marshall counties shall have the same jurisdiction over "State roads" in said counties that county courts now have with regard to roads and passways.

§ 2. The proceedings to alter, discontinue, or erect gates across such roads, shall be the same as now required by law with regard to roads and passways.

1869.

§ 3. This act to take effect from and after its passage.

Approved March 10, 1869.

CHAPTER 1866.

AN ACT for the benefit of the Town of Fairview.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all violations of the ordinances and by-laws of the town of Fairview, and all breaches of the peace, riots, routs, &c., committed within the corporate limits of said town, the police judge and town marshal of said town shall have concurrent jurisdiction with justices of the peace and constables in the counties of Christian and Todd.

§ 2. This act to take effect from its passage.

Approved March 10, 1869.

CHAPTER 1867.

AN ACT to authorize the Louisville and Nashville Railroad Company to extend its Bardstown Branch.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, the president and directors of the Louisville and Nashville railroad company are empowered to extend the Bardstown Branch of said road to any point in an eastern direction that they may determine upon.

§ 2. That, upon the application of said president and directors, the county courts of several counties through which said extension may pass, or be located in, shall submit to the qualified voters of such county, or of any civil district therein, whether they will be taxed a sum, to be fixed in the order of said submission, to aid in extension; and if said tax is voted by a majority of the qualified voters of any such county or civil district, then the county judge shall levy upon all the property in said county or civil district, subject to taxation for State revenue, a sum sufficient to pay the said sum in ten years. The sheriff of said county shall collect said tax at the same time that he collects the State revenue, and be allowed the same commissions therefor, and shall settle for the same at the time he is required by law to settle the county levy; and he and his securities on his official bond

1869.

shall be responsible for the same, and for the same damages for the non-payment of the same, that sheriffs by law are liable for on account of not paying over the State revenue.

§ 3. The said county courts shall make an order directing to whom said tax shall be paid, who shall have power to receive the same, and to prosecute all suits against said sheriff to recover the said tax; the said court may make such arrangements with said Louisville and Nashville railroad company as will secure the interest of the taxpayers aforesaid.

§ 4. This act shall take effect from its passage.

Approved March 10, 1869.

CHAPTER 1868.

AN ACT to amend the Charter of the Bedford and Milton Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act incorporating the Bedford and Milton turnpike road company, approved 7th February, 1866, be, and the same is hereby, amended as follows: The title of said bill shall read "An act to incorporate the Madison and Bedford turnpike road company;" and all the benefits of said charter are hereby granted to the new title, the Madison and Bedford turnpike road company.

§ 2. This act to take effect from and after its passage.

Approved March 10, 1869.

CHAPTER 1869.

AN ACT to incorporate the Evening Star Temple of Honor, Boyd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John S. Lowery, Worthy Chief Templar; Andy Kramer, Treasurer, and John Paulhamer, Recorder, of the Evening Star Temple of Honor, No. 4, and their successors in office, are hereby constituted a body-politic, with perpetual succession, with the name Evening Star Temple of Honor, No. 4; and by this name may sue and be sued, contract and be contracted with, plead and be impleaded. They may purchase and hold real estate in any amounts not exceeding ten thousand dollars in value. They may have and use a common seal, which may be altered at any time. They may erect suitable halls or buildings on the same, and may sell and con-

vey the same when it suits them to do so. They may own and hold personal property in any sum not exceeding five thousand dollars.

1869.

§ 2. The election of officers shall take place at the times and in the manner provided for election of the officers by the by-laws of said above mentioned order.

§ 3. Said corporation shall be governed by the rules and regulations, or by-laws, of the above-named order, providing the same shall not, in whole or part, violate the Constitution or the laws of this Commonwealth, or the Constitution or laws of the United States.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 10, 1869.

CHAPTER 1870.

AN ACT to amend the Charter of the Great Crossings and Stamping Ground Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Great Crossings and Stamping Ground turnpike road be, and the same is hereby, so amended as to permit and authorize the said road company to extend or widen said road on each side of the same the distance of fifteen feet, measuring from the center of the present macadamized portion of the road.

§ 2. That any land through which this road passes, and in which this company cannot, by private contract, acquire the land necessary for the construction of the road, as indicated in section one, it may be lawful for said company to acquire any and all lands on the route of the road by condemnation; and upon the complaint of the president of said road to any justice of the peace for Scott county that he is unable to contract with the owner or owners thereof, the said justice shall summon the owner or owners thereof to appear before him on the premises sought to be condemned, on a particular day, within ten days thereafter; and shall cause to be summoned a jury of the neighborhood, men disinterested, and freeholders, who, after being sworn, shall view the lands and assess the damages to which said owner or owners may be entitled; and the report of the jury, in writing, filed with the justice, shall authorize him to enter judgment condemning the land thus viewed. If any of the owners of any land be *femes covert*, infants, or persons *non compos mentis*, they shall be proceeded against as in other civil suits.

1869. § 3. That said turnpike road company shall have power to condemn rock quarries for the use of their road, in the manner prescribed in section two of this act.

§ 4. The right of appeal shall lie to the circuit court from the judgments of the justices' court.

§ 5. This act to take effect from its passage.

Approved March 10, 1869.

CHAPTER 1874.

AN ACT for the benefit of James Bartley, late Sheriff of Monroe County, and his Securities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of six months from and after the first day of April, 1869, be given and extended to James Bartley, late sheriff of Monroe county, to return his delinquent list of revenue and county levy tax for the year 1866; and when the same is returned within that time, the said sheriff and his securities in said bond shall have credit therefor with the State and county.

§ 2. That it shall be lawful for said sheriff to cause to be sworn in and qualified any one of his said securities as his deputy, to assist him in collecting the uncollected revenue and county levy for said year; and the right to levy and distrain for its collection is hereby vested and secured for two years from and after the passage of this act; but said sheriff and his securities are to be responsible upon their said bond for any illegal levy or distraint; and before they are to have the benefit of this act, said sheriff and his securities are required to go into the county court of said county, and agree upon the record to be so bound on their said bond.

§ 3. This act shall be in force from and after its passage.

Approved March 10, 1869.

CHAPTER 1875.

AN ACT concerning Plank Road Street in the City of Henderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the common council of the city of Henderson, whenever in their opinion the public good may require it, to establish what is now known as the Henderson and Hebbardsville plank road, from Green or Back street to the outside boundary of the

city, or any part thereof, as one of the public streets of said city, fifty feet wide; and to improve, grade, gutter, gravel, and pave the same at the expense of the owners whose property fronts thereon, in the same manner as is now provided by law for the improvement of the other public streets of the said city. 1869.

§ 2. That so far as this street is concerned, the provisions of the charter of said city requiring all streets to be not less than sixty feet in width, shall not apply; but the common council may, at any time when they think the public requires it, widen said street in the same manner as other streets, as provided for by law.

§ 3. This act shall take effect and be in force from its passage.

Approved March 10, 1869.

CHAPTER 1876.

AN ACT for the benefit of Robert McAlister, late Sheriff of Greenup County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robt. McAlister, late sheriff of Greenup county, be released from the payment of the damages upon a judgment rendered against said McAlister and sureties for the revenue due from the county of Greenup for the year 1867, said McAlister having paid into the Treasury the principal, interest, and cost of said judgment.

§ 2. That any part of said damages paid by McAlister into the Treasury shall be credited by the Auditor upon the revenue due from the county of Greenup for the year 1868.

§ 3. This act shall take effect from its passage.

Approved March 10, 1869.

CHAPTER 1877.

AN ACT for the benefit of J. M. Lewis, of Boyle County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Boyle county be, and the same is hereby, authorized to change that part of the State road from Stanford to Lebanon that passes through the lands of J. M. Lewis, so as to run immediately down the railroad.

§ 2. This act to take effect from its passage.

Approved March 10, 1869.

1869.

CHAPTER 1878.

AN ACT for the benefit of the County Court of Edmonson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Edmonson county are hereby allowed the further time of two years from this date to procure fire-proof safe or vault for the use of the clerks' offices of said county.

§ 2. This act shall take effect from its passage.

Approved March 10, 1869.

CHAPTER 1881.

AN ACT to amend the Charter of the City of Ludlow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Treasurer to
be elected;
powers and du-
ties.

Assessor and
collector to be
elected, their
duties.

Trustees of
schools to be
elected.

Their powers
and duties.

Census of
children to be
taken, &c.

§ 1. That there shall be elected by the qualified voters of the city, on the first Saturday of December, annually, a treasurer, who shall hold his office for the term of one year, and until his successor shall be chosen and qualified. He shall perform such duties and exercise such powers, not herein and by this act specified, as may be lawfully required of him by the ordinances of said city. There shall also be elected by the qualified voters of said city, on the first Saturday of December, an assessor and collector of taxes, who shall hold his office for the term of one year, and until his successor be chosen and qualified; who shall perform such duties and exercise such powers not herein specified as may be required of him or them by the ordinances of the city, and shall receive such fees and compensation as the city council shall direct. That the qualified voters of each ward in said city, annually, shall elect one judicious and competent person, having the qualifications of a councilman, for such ward, as trustee and visitor of common schools in Ludlow, who shall hold their office for one year, and until their successor shall be chosen and qualified; and [the] council shall fill all vacancies that may occur in their body during the time for which they shall be elected. They shall have the general superintendence of all the common schools in the city, and, from time to time, make such regulations for the government and instruction of children therein as to them shall appear proper and expedient. They shall appoint and employ the teachers and instructors for the same, and visit the schools as often as once in every week. They shall, in the first week of January, annually, cause an accurate census to be taken of all children residing in the city between the ages of six and twenty years, and require the several teachers and

instructors thereof to keep a record of the names and ages of all persons by them respectively instructed, and the time each shall have attended said school, and return said record or copy to the board of visitors and trustees at the close of each and every current year. They shall certify to the city council the correctness of all accounts of expenses in the support of said schools, and certificates to persons entitled to receive payment as teachers of same. They shall, at the close of every current year, report to the city council the state and condition of the several common schools of said city, as well the fiscal as other concerns in relation thereto, and a particular account of their administration thereof, and do and perform all other matters and things pertaining to the duties of their office which may be necessary to be done to promote the education and morals of the children instructed in said schools, or which may be required of them by the ordinances of the city, not inconsistent with the provisions of this act: *Provided*, That no person shall be employed as a teacher in any of the schools, until he or she shall have been first examined by the board of examiners and inspectors, and have obtained from said board a certificate of qualification as to his or her competency and moral character.

1869.

To certify correctness of accounts.

To make annual report to city council.

§ 2. That, for the purpose of more effectually supporting the common schools in said city, and to secure the benefits of an education to all children therein, it shall be the duty of said city council annually to levy, or cause to be levied and collected, a tax of one mill on the dollar upon all property in said city valued and appraised and liable and subject to taxation for the State and county purposes, which tax, together with such as may be levied and collected in the city for such purposes, shall be exclusively appropriated for school purposes for said schools, and for no other purpose whatever.

City council may levy tax for city purposes.

§ 3. That all money levied and collected in the city of Ludlow, for the use of common schools, shall be paid to the city treasurer; and all money hereafter levied and collected in said city for the support of common schools, as also all other money appropriated by law, for the use of common schools therein, shall be paid into the city treasury as a separate and distinct fund; and the same shall not be applied, under any pretense whatever, to any other use than that for which it was levied and collected, and a separate account of receipts and expenditures shall be kept by the treasurer.

Taxes to be paid to city treasurer.

§ 4. That whenever the office of mayor, councilman, marshal, treasurer, or other officer, shall become vacant by death, resignation, removal from the city or otherwise, it shall be the duty of the council, as soon as may be, to appoint some suitable person having requisite qualifications

Vacancies, how filled.

1869. to fill such vacancy; and the person so appointed shall continue in office the remainder of the term for which his predecessor was elected or appointed; and in case of sickness or temporary absence of the mayor, the city council shall appoint some suitable person to perform the duties of that office during such sickness or temporary absence, who shall be obeyed and respected accordingly: *Provided*, That no appointment to office shall be made by the city council of any officer of said city, or to fill any vacancy thereof, without the concurrent vote of a majority of the members, and the names of the persons voting for or against such appointment shall be entered on the journal of the council.

Approved March 10, 1869.

CHAPTER 1882.

AN ACT to incorporate the German Bank and Insurance Company of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ Corporators' names, and corporate powers.

§ 1. That William Gœpper, Henry Wedikind, J. L. Deppen, Joseph Buckel, and Henry Deppen, together with their associates, successors, and assigns, be, and they are hereby, appointed and made a corporation and body-politic, under the name and style of the "German Bank and Insurance Company of Louisville," and shall continue until the first day of January, one thousand eight hundred and ninety-nine; and by that name are made capable in law to have, purchase, or receive, possess, enjoy, and retain, to them and their successors, lands, rents, tenements, goods, chattels, public or private securities of any kind, not exceeding at one time the sum of five hundred thousand dollars; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of record, or any other place whatsoever; also to make and use a common seal, and the same to break, alter, and renew at pleasure; also to ordain, establish, and put in execution such by-laws as may be necessary or convenient for the government of said corporation, not contrary to law.

Capital stock.

§ 2. The capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

May open books for subscription of stock, & when company may organize, &c.

§ 3. The corporators named in this act, or any two of them, shall, within twelve months from the passage of the same, open books for the subscription of stock; and when two thousand shares shall have been subscribed for, said corporators shall give notice of a meeting of the sub-

scribers, when twenty dollars shall be paid on each share subscribed for, and the company may be organized when the remaining eighty dollars shall be secured to be paid, at the time and in the manner that shall be designated by the shareholders who have paid in twenty dollars on each share subscribed for. Corporators named, who shall fail to subscribe for stock, shall not be members of the company; and all such subscribers as shall fail, to pay twenty dollars on each share subscribed for, on the day designated in the above named notice, shall cease to be stockholders, and the stock subscribed for by them may be subscribed for by others under the direction of the person or persons who received the original subscription; and in case any subscriber shall fail to pay any call made by the board of directors (who are hereby authorized to make such calls) for the unpaid balance of his subscription, and remain in default for sixty days, the board may, in its discretion, forfeit his stock for the benefit of the company; and the board of directors may, in their by-laws, prescribe the manner in which the capital stock shall be increased; but in no event shall it exceed the sum of five hundred thousand dollars.

§ 4. The business of this company shall be managed by not less than five nor more than seven directors, to be chosen by the subscribers; and no director shall hold less than twenty-five shares of stock. An election for directors shall be held at the first meeting of the subscribers; and the directors then elected shall continue in office until the first Monday in January next succeeding, or until their successors are chosen; and on the first Monday in January of each year thereafter an election for directors shall be held at the office of the company, under the direction of three stockholders, who shall have been appointed by the directors for that purpose. Such election shall be by ballot, and by a plurality of votes of the stockholders and their proxies, allowing one vote for each share of stock represented. The same rule of voting stock shall apply to all questions submitted to the decision of the stockholders. Should an election for directors, from any cause, fail to be made on the day herein designated, the corporation shall not, from that cause, be dissolved, but any and all elections made subsequent thereto by competent authority shall be deemed valid and so held.

§ 5. The board of directors may choose one of their number as president, in such manner, and for such a period, as they may ordain, and employ such other clerks, officers, agents, or servants as they may deem necessary to a proper conduct of the affairs of the company; fix their salaries, prescribe their duties, and, at their option, require and receive bonds, with security, for the faithful

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Who to manage affairs of company.

When election to be held.

Officers to be chosen.

1869. performance of their duties; and may also require each officer to make oath before a justice of the peace that he will honestly and faithfully discharge all of his duties as an officer of the corporation.

Quorum. § 6. A majority of the board of directors shall form a quorum for the transaction of business.

When to commence business § 7. Whenever the sum of forty thousand dollars shall be paid in, and the further sum of one hundred and sixty thousand dollars shall be secured to be paid to the satisfaction of the president and board of directors, they shall have full power and authority, in the name of said company, to make insurance and reinsurance against fire, on the general conditions and principles of fire insurance; to make all kinds of insurance on boats, vessels, and crafts of every description, and on goods, wares, merchandise, freights, money, &c., transported by land or by water, within the United States or elsewhere, on interior waters, or on the high seas, on the general principles of marine insurance.

Form of certificates, &c. § 8. The form of certificate of shares of stock and manner of transfer of same shall be regulated by the by-laws of the corporation; and a lien is hereby created in favor of the corporation on the stock of each shareholder for any claim that the company may have for the unpaid part of his shares, or for other debts due or arising to said company.

Return premiums. § 9. Return premiums to any or all policy-holders may be declared at any regular meeting of the stockholders.

Annual statement to be made. § 10. A statement of the affairs of the company shall be made on the first Monday in January of each year, for the inspection of stockholders; and the president and directors may declare a dividend of such proportion of profits (if any have been made) as they may deem proper; but in no event shall the capital stock be diminished or dividends be made from unearned premiums.

May do business as a savings bank. § 11. It shall be lawful for this corporation to do business as a savings bank; and as such shall receive on deposit any sum during banking hours, if not less than one dollar; and minors and married women may, in their own names, deposit therein and check therefrom, unless restrained by some competent tribunal. Interest as agreed upon, not to exceed six per cent. per annum, may be allowed on such deposits.

(Not to issue notes as a circulating medium, &c.) § 12. In no case shall this corporation exercise the business of banking by issuing notes to circulate as money; but they may make advances on and receive in pledge for money loaned or debts due them, public and private securities, goods, wares, merchandise; may sell the same on the non-payment of the debt or demand, according to the terms agreed upon in a written contract between the

parties, made at the time the debt or demand was created, and pass a good title to the purchaser: *Provided*, That where the contract does not name the number of days' notice of sale, twenty days' notice shall be given of time, place, and terms of sale, by publication in a newspaper published in the city of Louisville.

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§ 13. Said corporation may receive on deposit gold, silver, bank notes, or other currency, and shall be permitted to deal in the same; also in bills of exchange, promissory notes, and other evidences of debt; take personal and other security, except real estate, therefor, and dispose of the latter as may be agreed upon, in all respects as natural persons may do; and the promissory notes made negotiable and payable at its banking-house, or at any bank, which may be discounted by said bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the same footing of foreign bills of exchange; and like remedy may be had thereon, jointly or severally, against drawers and indorsers.

May receive deposits of gold, silver, &c.

§ 14. If any officer shall unlawfully appropriate any of the funds of this corporation to his own use, or shall willfully fail to make correct entries, or shall knowingly make false ones on the books of the bank, with intent to cheat or defraud the corporation, or any person, or to conceal any improper appropriations of funds, the officer so offending shall be deemed guilty of felony, and, upon conviction thereof, shall be sentenced to confinement in the jail and penitentiary for a period of not less than ten nor more than twenty years.

Penalty for unlawful appropriation of funds.

§ 15. It shall be the duty of the president, on the first day of January of each year, to pay into the treasury fifty cents on each one hundred dollars' of stock held and paid for in such institution, which shall be in full of all tax or bonus, and be a part of the School Fund of this Commonwealth.

State tax to be paid.

§ 16. This act shall take effect from its passage.

Approved March 10, 1869.

CHAPTER 1883.

AN ACT to amend an act incorporating the Williamstown Academy, approved March 1, 1860.

WHEREAS, During the late civil war, many of the books and papers belonging to the Williamstown Academy, in Grant county, became lost, by reason whereof doubts exist as to who are the legal trustees of said institution, or as to whether there are or are not now any trustees legally elected for said institution; and whereas, by reason of

1869. these doubts and difficulties, the property of said academy has been permitted to fall into decay, and has become much injured for the want of proper care and attention; therefore, in order to settle all doubts and difficulties, and to enable said corporation to perform the purposes and objects of its creation,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be held on the fourth Saturday in March, in the year 1869, and on the fourth Saturday in March in every second year thereafter, an election at the said academy building for the purpose of electing for said corporation, by the qualified voters of said corporation, five trustees, and a president of the board of said trustees, of said corporation, who shall hold their offices until their successors are duly elected and qualified.

§ 2. That the said trustees and the president of said board shall, before they enter upon the discharge of their duties, take an oath that they will faithfully discharge the duties of their respective offices.

§ 3. That B. M. Carter, police judge of Williamstown; D. L. Cunningham, and A. Lingenfelter, are hereby appointed, authorized, and empowered to hold the first election for said corporation, as ordered by this act, and are empowered to give certificates of election to the successful candidates for said offices: *Provided*, That they shall, previous to holding said election, give ten days' notice thereof, in writing, posted up at three public places in Williamstown.

§ 4. That any white male over twenty-one years old shall be eligible to the office of trustee of said corporation, whether he be a stockholder therein or not, provided he resides in said common school district in Grant county.

§ 5. That it shall be the duty of the president of the board of trustees, after the first election, that the election for officers of said corporation be held at said academy building every second year, on the fourth Saturday in March, as directed.

§ 6. That any white male over twenty-one years, who resides in Williamstown, shall be eligible to the office of president of the board of trustees of said corporation, whether he be a stockholder or not.

§ 7. That it shall be the duty of the president of the board to preside over the board in the transaction of business; and, at the request of any trustee or stockholder, it shall be his duty to call special meetings of the board of trustees for the transaction of any business connected with the interest of said corporation.

§ 8. This act shall take effect from its passage.

Approved March 10, 1869.

CHAPTER 1884.

1869.

AN ACT to incorporate "The Cabin Creek, Springdale, and Maysville Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body corporate and politic be, and hereby is, created and authorized to be formed and organized, under the name and style of "The Cabin Creek, Springdale, and Maysville Turnpike Road Company;" and under that name and style it shall have perpetual succession; may have a common seal; may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth.

§ 2. The object and business of said corporation shall be to construct, keep up, and maintain a turnpike road from the Mason and Lewis County turnpike road, at Bull creek, in Mason county, up the Ohio river to Cabin creek; thence up said creek to its forks; thence up the south fork of said creek to Indian Run, in Lewis county, or so as to intersect the Concord and Tollsboro turnpike, with the right and privilege to construct and keep up a branch turnpike from the forks of Cabin creek, by the nearest and most practicable route, to the Ohio river, opposite Manchester, Ohio; and also with the right and privilege to construct and keep up a turnpike from Springdale, at the mouth of Cabin creek, in Mason county, up the Ohio river and through Wilson's bottom to Concord, in Lewis county.

§ 3. The capital stock of said company shall not exceed seventy-five thousand dollars, to be divided into shares of fifty dollars each.

§ 4. That books for the subscription of stock in said company may be opened at any time within two years after the passage of this act, at Maysville, and at the mouth of Cabin creek, and at the forks of Cabin creek, and in Wilson's bottom, and at Concord, under the supervision of W. J. Tulley, Jackson Sweet, Thomas M. Fry, Headley Harrison, Sam'l West, J. D. Tulley, Jno. McNutt, P. B. Vanden, Rob't A. Cochran, Henry C. Barkley, Rob't Means, Robert Lovell, David W. Fearis, Thomas Wilson, and Pres. Moore, and John Purcell, or any three of them, who are hereby constituted commissioners for such purpose. The subscribers for stock in said company shall sign the following obligation, to-wit: "We, whose names are hereunto subscribed, hereby obligate ourselves to pay to the Cabin Creek, Springdale, and Maysville turnpike road company fifty dollars for each share of stock in said company hereby subscribed by us." The number of shares so subscribed by each person shall be designated opposite each subscriber's name; and said subscription shall be made in a book in which said obligation shall be written;

1869. but said commissioners, or those acting, or the said company, after it is organized, may receive conditional subscriptions of stock in said company, conditioned upon the route which said road may take, or upon any other conditions which may be expressed in writing in any such subscriptions; and such subscriptions shall be valid and binding on the conditions therein stated; and said commissioners, or those acting, or said company, after it is organized, may receive subscriptions of stock to said company in real estate, rock, lumber, or other personal property, and labor, which shall be valid and binding, and the amount in value of such subscriptions shall be expressed in the respective subscriptions; and if the property is not surrendered or delivered, and the labor performed, on the demand of said company, the value thereof in money, as expressed in the subscription, may be collected of the subscriber.

§ 5. As soon as three thousand dollars is subscribed to the stock of said company it may be organized; and to this end, the commissioners acting shall give notice to the subscribers of stock, in some newspaper published in Maysville, Kentucky, by two weekly insertions, of the election of officers of said company, which shall be five directors, one of whom shall be chosen by the directors as president. The time and place of such election shall be stated in said notice; and, after the first election of said officers, the elections thereafter for said officers shall be on the first Saturday in April of each year. Each stockholder shall be entitled to one vote for each share of stock owned by him, which may be cast in person or by proxy. No one but a stockholder shall be a director. The first election shall be under the supervision of the commissioners, or of those acting. The president and directors shall each take an oath faithfully to perform their duties as such, which shall be certified by the officer administering it, and filed with the papers of the company; and said officers shall serve until their successors are elected and qualified. If any vacancy occurs during the year, by death, resignation, or removal from the State, the remainder of the directors may, if they deem it necessary, fill the vacancy.

§ 6. The said company, after it is organized, may keep open the books for additional subscriptions of stock in said company. The Mason county court may subscribe stock in said company to an amount not exceeding one thousand dollars per mile of said road completed within the limits of Mason county, payable on the completion of each mile. And the Lewis county court may subscribe stock in said company to an amount not exceeding one thousand dollars per mile of said road completed within the limits of Lewis county, payable on the completion of each mile;

and the city council of the city of Maysville may subscribe stock in said company, on behalf of said city, not exceeding two hundred dollars per mile, payable on the completion of each mile, and on such conditions as said council may prescribe and said company may accept.

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§ 7. The president and directors of said company may appoint a clerk and treasurer, and prescribe their duties, and fix their compensation, and may remove them at pleasure. Said clerk and treasurer shall each give bond, with good security, honestly to account for all moneys that may come into their hands, and for the faithful performance of their duties; and shall also take an oath faithfully to perform their duties; which bond, and the certificate of such oath, shall be filed and kept with the papers of said company. The said president and directors may appoint a superintendent or agent to superintend the construction of said road and its maintenance afterwards, and gate-keepers and engineer, and such other employes as they may deem necessary.

§ 8. The said president and directors shall have power to pass any by-laws, rules and regulations, for their own government, and the government and conduct of said company, its officers and agents, and the affairs of said company, that they may deem necessary, not inconsistent with this act, or with the Constitution of this State or of the United States.

§ 9. The said president and directors may let out for construction any portion of said road as soon as three thousand dollars is subscribed, or may do so after additional subscriptions are received; and they may go on letting out for construction and completing said road as the subscriptions of stock to said company may, in their opinion, justify them in so doing; and as soon as two and one half miles of said road are completed, they may erect a toll-gate and collect toll for that portion of said road. The charges for toll on said road shall be in conformity with the general law of this State regulating tolls on turnpikes; and they shall only be authorized to charge toll on said road in proportion to the distance traveled, and only for so much of said road as shall be completed and in good repair for traveling.

§ 10. The said company may receive releases of right of way for said road, and ground for rock quarries and toll-houses and bridges, by consent or purchase; and if they deem it necessary they may, by proceeding instituted in conformity with the existing laws of this State on the subject of turnpikes and plank roads (Revised Statutes, chapter 103), condemn land for right of way over which said road may be located, and ground for toll-gates and toll-houses, and rock quarries and bridges,

1869. just compensation being paid to the owners thereof, to be assessed by a jury empaneled for such purpose according to law as aforesaid.

§ 11. The said road shall be not less than twenty-five nor more than fifty feet wide. Any person who shall unlawfully obstruct said road shall be subject to a fine of not less than five nor more than fifty dollars therefor, which shall, when collected, be for the use of said company, and shall be recoverable as other fines are recoverable by law. Said president and directors may pass by-laws fixing fines for a failure to pay toll, or for the evasion of toll on said road, which may be recovered as other fines of similar amount are recovered under the laws of this Commonwealth, and for the use of said company.

§ 12. Said company shall prescribe in what installments the subscriptions of stock shall be paid; it may borrow money for its use not exceeding five thousand dollars, and give personal security therefor, or a mortgage on said road and its franchises, which may be enforced and foreclosed.

§ 13. This act shall take effect and be in force from its passage.

Approved March 10, 1869.

CHAPTER 1885.

AN ACT to amend an act, entitled "An act to incorporate the Town of Midway, in Woodford County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the town of Midway, in Woodford county, be, and is hereby, amended as follows: That hereafter the trustees of said town shall have power to levy an *ad valorem* tax on all property in said town liable to State revenue, not exceeding fifty cents on each hundred dollars of such property; and all laws or parts of laws in conflict with this amendment are hereby repealed.

§ 2. This act shall take effect from its passage.

Approved March 10, 1869.

CHAPTER 1886.

AN ACT to incorporate the Louisville Edge-Tool Factory.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be, and hereby is, established in the city of Louisville, a corporation by the name of the

Louisville Edge-tool and Manufacturing Company, with a capital stock of one hundred thousand dollars, to be divided into shares of one hundred dollars each, and subscribed and paid for by individuals, companies, or corporations, in the manner hereinafter mentioned and specified; and said corporation, by the name aforesaid, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and defend, in all courts and places, and in all matters whatsoever, as natural persons may do, with full power to acquire, hold, use, and enjoy, and the same to sell, convey, and dispose of, all such real estate, chattels, goods, and estate, as may be necessary or convenient for the transaction of its business, or which may be required as security for, or in payment of, a debt or demand; and may have and use a common seal, and alter, change, or renew the same at pleasure; and may make and establish all necessary by-laws for the efficient management of its affairs.

§ 2. It shall be lawful for said corporation to build, purchase, and acquire, or lease all necessary houses, land, machinery and fixtures, for the purpose of establishing and conducting the manufacturing of edge-tools, and generally to manufacture and sell all articles they may deem advisable and proper, or they may rent and lease the same, in whole or in part, before or after the buildings are finished.

§ 3. That H. A. Dumesnil, R. A. Robinson, John B. Smith, George Ainslie, and J. Dixon Brown, be, and they are hereby, appointed commissioners, whose duty it shall be to open books for the subscription in said corporation, at such time and at such place, in the city of Louisville, as they or any three of them may deem expedient, they having first given notice thereof of not less than three days by publication in some daily newspaper published in said city; and when not less than twenty thousand dollars of said capital stock shall have been subscribed for, and such per cent. thereof paid in as may be required by the terms of subscription, to be fixed by said commissioners, or any three of them, then said commissioners, or any three of them, may, by publication of not less than five days in any daily newspaper of said city, call a meeting of the stockholders for the election of five directors, who, when elected, shall complete the organization of the corporation by electing one of their number president; also by electing such other officers as they may deem necessary for the efficient carrying on of said business; after said organization, the said board of directors shall have control of the business and affairs of the corporation, and may keep the books open for the further subscriptions to stock until the whole is subscribed.

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1869. § 4. And after the stock herein provided for is taken, and the company organized, a majority of stockholders in interest may, at any regular or called meeting, increase the capital stock of said corporation, not to exceed two hundred thousand dollars, and cause books to be opened for subscription to the same.

§ 5. That after the first election the stockholders shall, annually, on the first day of July in each year, elect the same number of five directors, who shall hold their office for one year, and until their successors are duly elected; and such board, when elected, shall appoint one of their number president of the board, and such other officers as may be provided for by resolution or by-laws.

§ 6. The shares of said corporation shall be personal estate, and transferable on the books of the corporation according to its by-laws; but the corporation shall hold a lien on the shares of any stockholder who may be indebted to it, and such shares shall not be transferred without the consent of the president and directors, until such debt shall be paid or discharged. Each share of said capital stock shall entitle the holder to one vote at all elections of directors, and at all meetings of stockholders.

§ 7. This act to take effect from and after its passage.

Approved March 11, 1869.

CHAPTER 1867.

AN ACT to incorporate the Mason and Fleming Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body corporate and politic be and hereby is created and authorized to be formed and organized, under the name and style of "The Mason and Fleming turnpike road company;" and under that name and style it shall have perpetual succession; may have a common seal; may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth.

§ 2. The object and business of said corporation shall be to construct, keep up and maintain, a turnpike road from the terminus of the Stony Hollow turnpike road, where it strikes or may strike the dividing line between Mason and Fleming counties; thence by a route so as to intersect the Maysville and Mount Sterling turnpike road at or near Dudley's old blacksmith shop, or at or near Flemingsburg, as the president and directors of the company hereby incorporated may determine; or by a route so as to intersect the Mount Carmel and Flemingsburg turnpike road, as the said president and directors may determine.

§ 3. The capital stock of said company shall not exceed thirty thousand dollars, to be divided into shares of fifty dollars each.

1869.

§ 4. That books for the subscription of stock in said company may be opened at any time within two years after the passage of this act, at Taylor's Mill, the Half-way House, Flemingsburg, and at any other place the commissioners, or any three of them, may select; the same shall be under the supervision of Richard Heddleson, John C. Waugh, James Morton Alexander, Addison Hord, Charles Humphreys, and L. F. Bright and Peter Lashbrooke, or any three of them, who are hereby constituted commissioners for that purpose. The subscribers for stock in said company shall sign an obligation binding themselves, respectively, to pay to the president and directors of said company fifty dollars for each share of stock in said company subscribed by them. The number of shares so subscribed by each person shall be designated opposite each subscriber's name; and said subscriptions shall be made in a book in which said obligation shall be written. But said commissioners, or those acting, or the said company after it is organized, may receive conditional subscriptions of stock in said company, conditioned upon the route which said road may take, or upon any other conditions which may be expressed in writing in any such subscriptions; and such subscriptions shall be valid and binding on the conditions therein stated. And said commissioners, or those acting, or said company after it is organized, may receive subscriptions of stock to said company in real estate, rock, lumber, or other personal property, or labor, which shall be valid and binding; and the amount in value of such subscriptions shall be expressed in the respective subscriptions; and if the property is not surrendered or delivered, or the labor performed, on the demand of the said company, the value thereof in money, as expressed in the subscription, may be collected of the subscriber.

§ 5. As soon as three thousand dollars is subscribed to the stock of said company it may be organized; and to this end, the commissioners acting shall give notice to the subscribers of stock in some newspaper published in Flemingsburg, by two weekly insertions, or by posting up, for two weeks before said election, printed handbills, giving notice of same, at two or more public places in Flemingsburg, at Taylor's Mill, at the Half-way House, and at Dudley's old blacksmith shop, and at some public place on the Mount Carmel and Flemingsburg turnpike. The time and place of such election shall be stated in said notice; and, after the first election, the elections thereafter for said officers shall be on the first Saturday in April of each year.

1869. Each stockholder shall be entitled to one vote for each share of stock owned by him, which may be cast in person or by proxy. No one but a stockholder shall be a director. The first election shall be under the supervision of the commissioners, or of those acting. The president and directors shall each take an oath faithfully to perform their duties as such, which shall be certified by the officer administering it, and filed with the papers of the company; and said officers shall serve until their successors are elected and qualified. If any vacancy occurs during the year by death, resignation, or removal from the State, the remainder of the directors may, if they deem it necessary, fill the vacancy.

§ 6. The said company, after it is organized, may keep open the books for additional subscriptions of stock in said company.

§ 7. The president and directors may employ an engineer, and appoint a treasurer and clerk, and prescribe their duties, fix their compensation, and may remove them at pleasure. Said treasurer and clerk shall take an oath and give bond to the company, with good security, honestly to account for all moneys that may come into their hands, and for the faithful performance of their duties, which bond and the certificate of such oath shall be filed and kept with the papers of said company. The said president and directors may appoint a superintendent or agent to superintend the construction of said road, and its maintenance afterwards, and gate-keepers and such other employes as they may deem necessary.

§ 8. The said president and directors shall have power to pass any by-laws, rules and regulations, for their own government and the government and conduct of said company, its officers and affairs, that they may deem necessary, not inconsistent with this act, or with the Constitution of this State or of the United States.

§ 9. The said president and directors may let out for construction any portion of said road as soon as three thousand dollars is subscribed, or may do so after additional subscriptions are received, first determining before commencing said work the route which the said road may take, and at or near what point it shall strike the Maysville and Mount Sterling or the Mount Carmel and Flemingsburg turnpike; and they may go on letting out for construction and completing said road as the subscriptions of stock to said company may, in their opinion, justify them in so doing; and as soon as two and a half miles of said road are completed, they may erect a toll-gate and collect toll for that portion of said road. The charges for toll on said road shall be in conformity with the general law of this State regulating tolls on turnpikes; and they

shall only be authorized to charge toll on said road in proportion to the distance traveled, and only for so much of said road as shall be completed and in good repair for traveling.

1869.

§ 10. The said company may receive releases of right of way for said road and ground for rock quarries and toll-houses and bridges, by consent or purchase; and if they deem it necessary, they may, by proceeding instituted in conformity with the existing laws of this State on the subject of turnpikes and plank roads (Revised Statutes, chapter 103), condemn land for right of way, over which said road may be located, and ground for toll-gates, toll-houses, and bridges and rock quarries, just compensation being paid to the owners thereof, to be assessed by a jury empaneled for such purpose, according to law as aforesaid.

§ 11. The said road shall be not less than twenty-five nor more than fifty feet wide. Any person who shall unlawfully obstruct said road shall be subject to a fine of not less than five nor more than fifty dollars therefor, which shall, when collected, be for the use of said company, and shall be recoverable as other fines are recoverable by law. Said president and directors may pass by-laws fixing fines for a failure to pay toll, or for the evasion of toll on said road, which may be recovered as other fines of similar amount are recovered under the laws of this Commonwealth, and be for the use of said company.

§ 12. Said directors and president shall prescribe in what installments the subscriptions of stock shall be paid. They may borrow money for the use of said company, not exceeding five thousand dollars, and give personal security therefor, or a mortgage on said road and its franchises, which may be enforced and foreclosed.

§ 13. The said road company may unite and consolidate with the Stony Hollow turnpike road company, in Mason county, and form thus but one company and one continuous road from the beginning of said Stony Hollow turnpike road, in Mason county, to the far terminus that may be fixed for the road authorized in this act. The same shall be on such terms and conditions as the president and directors of the respective companies, with the consent of the majority of the stockholders of each of said companies, may agree upon; and, in case there is such union and consolidation, the name of said consolidated company shall be the Stony Hollow and Mason and Fleming turnpike road company.

§ 14. This act shall take effect and be in force from its passage.

Approved March 11, 1869.

1869.

CHAPTER 1868.

AN ACT to amend an act, entitled "An act to charter the Stanford Female Seminary."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of said Stanford Female Seminary shall be chosen in the following manner, to-wit: The board of trustees of the Stanford Male and Female Seminary shall choose four of the number; the trustees of the town of Stanford shall choose one; and the individuals subscribing to the fund shall choose one trustee for every thousand dollars subscribed; and in the latter case, each share of twenty-five dollars shall entitle the holder thereof to one vote; and the election shall be conducted in any manner that a select committee of said individuals may prefer. All the above trustees are to hold office until they die, resign, or are removed for cause, and until their successors are qualified.

§ 2. That before any subscription made for the purposes of purchasing ground and erecting the seminary building shall be binding, at least eight thousand dollars shall have been subscribed.

§ 3. Any provision of this charter which is in conflict with this amendment is hereby repealed.

§ 4. This act to take effect from its passage.

Approved March 11, 1869.

CHAPTER 1869.

AN ACT for the benefit of the Town of Elizaville, in Fleming County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all fines and forfeitures recovered before the police judge of the town of Elizaville, for violation of the town ordinances or by-laws, be collected and paid over to the treasurer thereof, for the use and benefit of said town.

§ 2. This act to take effect from its passage.

Approved March 11, 1869.

CHAPTER 1890.

AN ACT to Charter the Briensburg Library Association, in Marshall County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a charter be, and is hereby, granted to Col. T. B. Waller, Dr. S. Graham, Dr. John R. Greenwood, and

T. M. Rudolph, to form a library association, situated at Briensburg, Marshall county. Kentucky, under the name and style of the Briensburg Library Association, with privilege to sue and be sued, plead and be impleaded; to buy, lease, sell, or hold such personal property or real estate as may be necessary for the purposes of said association, and to do all other acts, not in violation of the Constitution and laws of this State, that other similar associations might do, and to be a body corporate and politic.

1869.

§ 2. That Col. T. B. Waller, Dr. S. Graham, Dr. John R. Greenwood, and T. M. Rudolph, be, and are hereby, authorized to open books for subscription to the capital stock of said association, the shares of which shall be twenty-five dollars; and as soon as five hundred dollars shall have been subscribed, then the commissioners or charter members may organize and proceed to elect one of their number president, and the others to constitute a board of directors, to hold their office for one year, or until their successors are elected and qualified; and that it shall be lawful for said president and directors to appoint a secretary, treasurer, and librarian, who shall hold their office for the term of one year; but subject to removal at the pleasure of the president and directors.

§ 3. That said president and directors shall have power to make, amend, or abolish all such by-laws, rules and regulations, for the government of said association, as they may deem right and proper, that does not conflict with the laws of this Commonwealth.

§ 4. This act to take effect from and after its passage.

Approved March 11, 1869.

CHAPTER 1891.

AN ACT to incorporate the Owingsville and Ficklin's Tan-yard Turnpike Road Company, in Bath County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby incorporated a turnpike road company, by the name and style of the Owingsville and Ficklin's Tan-yard turnpike road company, for the purpose of constructing and building a macadamized road from the town of Owingsville to Ficklin's Tan-yard, in Bath county, said road to run and be located on the most practicable route from Owingsville, Bath county, to Ficklin's Tan-yard, in said county. That said company shall have all powers incident to the construction of said road; may receive releases, right of way, or may condemn land for such purpose, for rock quarries or toll-gates, in conformity with existing laws of this State; may sue and be sued, plead and be impleaded, answer and defend, in all

1869. the courts and places in this Commonwealth, and do all things that may be necessary for a corporation to do; may have a common seal, and break and alter the same at pleasure.

§ 2. That the capital stock of said company shall be five thousand dollars, with the privilege of increasing the same to twenty-five thousand dollars, to be divided into shares of fifty dollars each.

§ 3 That books for the subscription of stock shall be opened on the first Monday in April next, or as soon thereafter as may be convenient, at Owingsville, or any convenient point, under the supervision of John Ficklin, James Ewing, John Botts, John A. Turner, and Alfred Crooks, or any three of them, who are hereby constituted commissioners for such purpose. The subscription for stock shall be made by the person subscribing the following obligation, which shall be written in a book kept for that purpose: We, whose names are hereunto subscribed, obligate ourselves to pay to the president, directors and company, of the Owingsville and Ficklin's Tan-yard turnpike road company, the sum of fifty dollars for each share of stock set opposite by us to our names.

§ 4. That as soon as five thousand dollars is subscribed, the commissioners aforesaid shall call a meeting of the stockholders, who shall elect five directors, who shall, from their body, select a president for the government of said company. In voting for officers each stockholder shall be entitled to one vote for each share of stock paid in by him. The president and each director shall take an oath, before some justice of the peace for Butler county, that he will faithfully and impartially discharge the duties of his respective office.

§ 5. The president and directors shall appoint a treasurer and clerk; the clerk shall keep a correct record of their proceedings. The treasurer shall execute bond, with two or more sureties, conditioned that he will faithfully keep and pay over all money which shall come to his hands, as required by the board of directors of said road.

§ 6. That so soon as two and one half miles of said road is completed, the president and directors may cause to be erected a gate or gates thereon, at which they may charge toll at the same rates as now fixed by law, in proportion to the distance traveled on their said road.

§ 7. That the provisions of an act, entitled "An act to incorporate the Wyoming and Bald Eagle turnpike road company, in Bath county," approved 9th March, 1867, shall apply to and govern this corporation, so far as the same may be applicable and not inconsistent herewith.

§ 8. That this act shall take effect from its passage.

Approved March 11, 1869.

CHAPTER 1893.

1869.

AN ACT to amend an act incorporating the Town of Lawrenceburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled "An act to amend the act incorporating the town of Lawrenceburg," approved January 22, 1868, be so amended as to give concurrent jurisdiction to the circuit court of Anderson county with the police court of Lawrenceburg, over all offenses committed under said act: *Provided*, That the judgment of either of said courts shall bar any proceeding in the other for the same offense.

Approved March 11, 1869.

CHAPTER 1894.

AN ACT for the benefit of Elliott County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Elliott county, a majority of all the justices of the peace for said county being present and concurring therein, shall have the power to levy a tax, not exceeding four dollars per capita, for the erection of public buildings in said county and other county purposes.

§ 2. This act shall take effect from and after April 1, 1869.

Approved March 11, 1869

CHAPTER 1895.

AN ACT to amend an act, entitled "An act to incorporate the Spring Station Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the tenth section of an act, entitled "An act to incorporate the Spring Station turnpike company," be so amended that said company shall have power to erect a toll-gate or two half-gates, so soon as the road shall be completed, connecting the Cole's road and the Old Frankfort turnpike road by Spring Station.

§ 2. This act shall take effect from its passage.

Approved March 11, 1869.

1869.

CHAPTER 1897.

AN ACT to incorporate the Colored Benevolent Society of Hopkinsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Colored Benevolent Society of Hopkinsville is hereby declared and made a body corporate and politic, with Reason Hord, Richard Coleman, and Charles Rowland as trustees; and as such corporation, said society shall have power to sue and be sued, plead and be impleaded; hold, acquire, sell, and convey real estate for burial, church, and other religious purposes, but for no other purposes whatsoever.

§ 2. Said society shall have power to adopt such constitution, by-laws, and rules of order, for the government of its members, the election of such officers, as deemed necessary and proper, and take such action as may best tend to the promotion of the ends in view, not in conflict with the laws of this Commonwealth or the provisions of this charter.

§ 3. This act shall take effect from and after its passage.

Approved March 11, 1869.

CHAPTER 1898.

AN ACT for the benefit of the Rockcastle County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the Rockcastle county court is hereby authorized to cause to be summoned the justices of the peace for said county, to attend and constitute a court for the purpose of raising the county levy of said county for the year 1869, and of increasing, if necessary, the same sufficient to pay the indebtedness of said county for all legitimate purposes, although the same may exceed two dollars and fifty cents per tithe.

§ 2. This act to take effect from its passage.

Approved March 11, 1869.

CHAPTER 1899.

AN ACT for the benefit of Henry County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of Henry county is hereby authorized to cause to be summoned the justices of the peace for said county to attend and constitute a court,

and a majority thereof shall have power to increase the county levy for the year 1869, and to levy and collect an ad valorem tax upon each one hundred dollars' worth of property subject to taxation in said county, so as to realize a sufficient sum to pay the indebtedness of said county.

1869.

§ 2. This act shall take effect from its passage.

Approved March 11, 1869.

CHAPTER 1900.

AN ACT to authorize the Presiding Judge of the County of Metcalfe to sell Land.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the county court of the county of Metcalfe be, and he is hereby, authorized to sell, at public auction (or in any other manner that he may deem proper), and convey to the purchaser, a lot of land in the town of Edmonton on which the court-house was recently burned, and take from the purchaser a bond, payable to the treasurer of said county, for the use of said county.

§ 2. That this act shall take effect from its passage.

Approved March 11, 1869.

CHAPTER 1901.

AN ACT to amend an act, entitled "An act to amend the Charter of the Town of Stanford," approved March 6th, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to amend the charter of the town of Stanford," approved March 6, 1868, as confers upon the board of trustees of said town the right to license coffee-houses in said town, and the exclusive right to license all taverns in said town, be, and is hereby, repealed.

§ 2. That said board of trustees shall have authority to impose a tax of not less than two hundred dollars nor more than three hundred dollars per year, upon each person who may acquire license to keep tavern in said town, with the right to vend spirituous liquors by retail; and no license shall be granted to any one to vend spirituous liquors in said town until after the payment of the tax therefor imposed by the board.

§ 3. This act to take effect from its passage.

Approved March 11, 1869.

1869.

CHAPTER 1902.

AN ACT to incorporate the Owingsville Slate Furnace Iron Ore Bank Turnpike Road Company, in Bath County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby incorporated a turnpike road company by the name and style of the Owingsville Slate Furnace Iron Ore Bank turnpike road company, in Bath county, for the purpose of building a macadamized road from Owingsville to the Slate Furnace Iron Ore Bank, in Bath county; said road to run and be located on the most practicable route from Owingsville to Slate Furnace Iron Ore Bank; that said company shall have all powers incident to the construction of said road; may receive release right of way, or may condemn land for such purpose for rock quarries or toll-gates, in conformity with existing laws of this State; may sue and be sued, plead and be impleaded, answer and defend, in all courts and places in this Commonwealth; and do all things that it may be necessary for a corporation to do; may have and use a common seal, and may break and alter the same at pleasure.

§ 2. That the capital stock of said company shall be five thousand dollars, with the privilege of increasing the same to fifteen thousand dollars, to be divided into shares of twenty-five dollars each.

§ 3. That books for the subscription of stock shall be opened on the first Saturday in April next, or as soon thereafter as convenient, at Owingsville, or any convenient place, under the supervision of A. J. Ewing, J. M. Nesbitt, James Fecklin, and D. B. Lacy, or any three of them who may act, are hereby appointed commissioners for that purpose. The subscription for stock shall be made by the person subscribing the said stock by subscribing the following obligation, to-wit, which shall be written in a book kept for that purpose, viz: We, whose names are hereunto subscribed, obligate ourselves to pay to the president and directors and company of the Owingsville Slate Furnace Iron Ore Bank turnpike road company, the sum of twenty-five dollars for each share of stock set opposite by us to our names.

§ 4. That as soon as five thousand dollars is subscribed, the commissioners aforesaid shall call a meeting of the stockholders, who shall elect five directors, who shall, from their body, select a president for the government of said company; in voting for officers, each stockholder shall be entitled to one vote for each share of stock paid in by him. The president and each director shall take an oath, before some justice of the peace for Bath county,

that he will faithfully and impartially discharge the duties of his respective office.

1869.

§ 5. The president and directors shall appoint a treasurer and clerk; the clerk shall keep a correct record of their proceedings; the treasurer shall execute bond, with two or more sureties, conditioned that he will faithfully keep and pay over all money which shall come to his hands, as required by the board of directors of said road.

§ 6. That so soon as said road is completed to Slate creek, or two and one half miles of said road is completed, the president and directors may cause to be erected a gate thereon, at which they may charge toll at the same rates as now fixed by law, in proportion to the distance traveled on their said road.

§ 7. That the provisions of an act, entitled "An act to incorporate the Wyoming and Bull Eagle turnpike road company, in Bath county," approved 9th March, 1867, shall apply to and govern this corporation, so far as the same may be applicable and not inconsistent herewith.

§ 8. This act shall take effect from its passage.

Approved March 11, 1869.

CHAPTER 1903.

AN ACT for the benefit of the County of Warren.

WHEREAS, The county court of Warren has built fire-proof clerks' offices for said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of said county be, and is hereby, released from providing safes or vaults, as provided by an act approved 11th of February, 1867.

§ 2. This act to take effect from its passage.

Approved March 11, 1869.

CHAPTER 1904.

AN ACT to incorporate the Harmony Turnpike Road Company, in Owen County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel Wise, Robert Southworth, J. A. Suter, H. Mitchell, John T. Southworth, and A. G. Rice, G. W. Wilson, A. Blythe, W. Watson, or any three of them, and their successors, be, and they are hereby, created a body-politic and corporate, with perpetual succession, for the

1869. purpose of construction and keeping up a turnpike road, upon macadamized plan, leading from Harmony, in Owen county, Kentucky, to the Scott county line, at the terminus of the pike leading from the Stamping Ground, Scott county, to Owenton, Owen county, at such grade as the directors may agree upon.

§ 2. The corporate name of said company shall be the Harmony turnpike road company.

§ 3. Said corporators may, at any time and place, open books and receive subscriptions of stock in said company, in shares of fifty dollars each. The amount of stock shall not exceed five thousand dollars; and when sufficient to build two and one half miles is subscribed, said corporators may organize the company; and the stockholders may elect five of their body directors to manage the affairs of said company, one of whom shall be the president of the board of directors; and the board of directors thus elected shall continue in office for one year, or until their successors are duly elected. The board of directors may, from time to time, make such by-laws, rules and regulations, for the government of the company and the transaction of its business, and of which they shall keep a record, as they may deem expedient, not inconsistent with the Constitution of the United States or of this State. The company shall have all of the rights and privileges conferred by the general laws of the State upon similar companies for procuring and condemning the right of way and materials for their said road, not in violation of their chartered rights and preservation of their property.

§ 4. When a continuous line of said road for two miles is completed from either end, and the county court of Owen county, after examination, shall have so declared by its order, a gate thereon may be set up, at which toll may be collected. The rate of toll shall be the same as now fixed by the general laws of the State upon similar roads.

§ 5. The provisions of the most favorable turnpike charter shall apply to this road.

§ 6. This act shall take effect and be in force from its passage.

Approved March 11, 1869.

CHAPTER 1905.

AN ACT to authorize the election of a Police Judge, Town Marshal, &c., in Prestonsville, Carroll County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the election of police judge, town marshal, and trustees, for the town of Prestonsville, Carroll county,

be held on the first Saturday in April, 1869; and that Stephen Nye and U. C. Rutherford be appointed judges of said election, subject to the laws of this State in like cases.

1869.

§ 2. This act to be in force from and after its passage.

Approved March 11, 1869.

CHAPTER 1906.

AN ACT for the benefit of Certain School Districts in Barren and Allen Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction be, and he is hereby, authorized and directed to certify to the Auditor and direct payment on the reports of the common schools taught in the districts hereinafter named, to-wit: District No. 13, in Barren county, for the year 1861, and district No. 31, in Allen county, for the year 1866: *Provided, however,* Said certificate and direction shall not be given till one or more of the trustees of each of said districts shall file in the office of said Superintendent a report, regularly sworn to, showing the number of scholars in such district that year, and that a school was taught therein by a qualified teacher, in accordance with the common school laws then in force: *And provided further,* That payment be made only out of whatever, if any, surplus for the school year 1861 may remain to the credit of Barren county, and the year 1866 as to Allen county, and at a rate per child not exceeding that at which payment was made out of the revenue of the School Fund proper for the years respectively aforesaid: *And provided also,* Said districts shall not already have been paid.

§ 2. That said Superintendent of Public Instruction shall issue his certificate to said Auditor and direct payment to the trustees of the Bear Wallow district, No. 77, in Barren county, for the years 1862-3-4-5 and 1866: *Provided,* It shall not appear that the district has already been paid for schools taught in those years; the payment now to be made under this act to be for sixty scholars each year, and is to be paid only out of whatever, if any, surplus of the said school years may remain to the credit of said county, and at the rate each year per child not exceeding that at which payment was made out of the School Fund proper for the years respectively aforesaid.

§ 3. This act to take effect from its passage.

Approved March 11, 1869.

1869.

CHAPTER 1907.

AN ACT to incorporate the Flat Rock and Caldwell's Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body corporate and politic is hereby created, under the name of "The Flat Rock and Caldwell's Mill Turnpike Road Company," for the purpose of constructing a turnpike road in Bourbon county, from the eastern terminus of the Flat Rock and Paris turnpike to or near Caldwell's Mill, on Hinkson creek; and as such, shall have power to sue and be sued, contract and be contracted with, acquire, hold, and possess such estate, real and personal, as may be necessary to accomplish the object of its creation.

§ 2. H. B. Burris, William See, Garrett Gillispie, B. F. Crouch, Jack Sharpe, Charles Hughes, and W. B. Crouch, or any two of them, as commissioners, may receive subscriptions to the capital stock of said company, which shall be a sum sufficient to construct said road, and divided into shares of fifty dollars each; and at every meeting of the stockholders for any purpose, each shareholder may cast, in person or by proxy, one vote for each share held by him.

§ 3. As soon as three thousand dollars shall have been subscribed to the capital stock, the commissioners shall call a meeting of the stockholders, to be held in Flat Rock, for the purpose of electing a president and five directors, to manage and control the affairs of the company; notice of the time and place of said meeting shall be given by advertisement in two preceding issues of one of the newspapers published in Paris, and by notices stuck up in Flat Rock, and near said mill; said president and directors shall hold office for one year, and until their successors are elected; shall provide for the election of their successors; appoint a treasurer, clerk, and other officers, and remove them at pleasure; and take proper bonds for the faithful discharge of their duties, from all or any of them, and prescribe what their duties shall be; and may make all necessary by-laws; no one shall be eligible to the office of president or director who is not a stockholder.

§ 4. Said company may locate its road over any public highway, or deviate therefrom; and may acquire the right of way, ground for toll-houses and quarries, in the mode prescribed by the Revised Statutes, title "Turnpikes and Plank Roads."

§ 5. When three miles of said road is completed, a toll-house may be put up and tolls collected for the distance traveled, as by law the Paris and Flat Rock turnpike road company are permitted to charge. The act incorporating

which, and all amendments thereto, not inconsistent with this act, are made and declared to be parts hereof, and to apply to and govern the corporation hereby created. If, when completed, said road exceeds five miles, two gates may be erected, and toll charged as herein provided.

§ 6. The county court of Bourbon may subscribe to the capital stock of said company, as provided for in an act to authorize said county court to make subscriptions to aid turnpikes.

§ 7. This act shall take effect from its passage.

Approved March 11, 1869.

1869.

CHAPTER 1908.

AN ACT for the benefit of School District No. 2, in Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the school commissioner for Kenton county be, and he is hereby, allowed to make his report for school district No. 2, in Kenton county, showing the number of children in said district within the school ages, for the year 1868, on or before the first day of May, 1869, to the Superintendent of Public Instruction; and when the same shall be made, the Superintendent of Public Instruction will transmit a copy of the same to the Auditor, whereupon the Auditor will draw his warrant on the Treasurer in favor of the school commissioner of Kenton county for the amount which would have been due said district No. 2, if a school had been taught in the year 1868, for the year 1868, as shown by the report herein authorized to be made, to be paid out of any surplus belonging to Kenton county; and if there be no such surplus, then to be paid out of the bond fund for Kenton county; and said amount, when received, shall be paid over by the school commissioner of Kenton county for the support of a school in said district No. 2 for the year 1869, the intention of this act being to give to said district the same amount of money as if a school had been taught there for the year 1868.

§ 2. This act to take effect from its passage.

Approved March 11, 1869.

1869.

CHAPTER 1909.

AN ACT to change the Road Laws in Jackson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Jackson shall have power and authority to reduce the width of any public highway that is now established or may hereafter be established in said county to the width of twelve feet, in lieu of fifteen feet, as now required by law.

§ 2. That said county court may reduce the width of private passways in said county to the width of ten feet.

§ 3. That the first section of this act shall be in force from its passage, and remain in force five years only.

§ 4. This act to be in force from its passage.

Approved March 11, 1869.

CHAPTER 1910.

AN ACT for the benefit of the Jackson County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims of Jackson county is hereby authorized to levy a poll-tax of two dollars on all persons in said county subject to pay poll-tax, and ten cents on each one hundred dollars' worth of property subject to revenue tax in said county, for the purpose of paying for the erection of a court-house in said county, which shall be collected by a collector to be appointed by the county court of said county, who shall give bond in the premises, as sheriffs are now by law required to give bond for the collection of the county levy.

§ 2. The above named tax may be levied and collected annually as long as may be necessary for the above named purpose, and shall be applied to the purpose of building said court-house and no other purpose whatever: *Provided, however,* That the said county court shall not let out a contract for the building of a court-house until seventy-five per cent. on the assessments for the years 1869 and 1870 shall be collected by the collecting officer for said county.

§ 3. This act shall be in force from its passage.

Approved March 11, 1869.

CHAPTER 1911.

1869.

AN ACT to amend an act, entitled "An act to establish a road leading from London, Laurel County, to Boonville, in Owsley County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county courts of Laurel, Jackson, and Owsley counties are directed to confirm the survey of a road referred to in the act to which this is an amendment on the line surveyed and marked, and reported to the county courts aforesaid, by Ambrose Powell, James Morris, Emberson Minter, and L. S. Maines, they being four of the seven commissioners named in said act to which this is an amendment; and the report of said commissioners is hereby legalized and made valid as if all the commissioners had acted and reported: *Provided, however,* That said courts shall confirm said report, and then proceed and be governed by existing laws as to the proprietors of land on said road.

§ 2. The above named county courts are authorized to order, and directed to have said road opened and leveled not less than twelve feet wide, in the same manner indicated in the act to which this is an amendment.

§ 3. This act shall be in force from its passage.

Approved March 11, 1869.

CHAPTER 1912.

AN ACT to amend an act, entitled "An act to incorporate the Lewis and Mason County Turnpike Road Company," approved March 7th, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Lewis and Mason County turnpike road company," approved March 7th, 1868, be, and hereby is, amended as follows: Said company is hereby authorized and empowered to locate and construct a branch of said road, said branch commencing at or near the station of said road, No. 339; thence through the lands of A. R. Glasscock and Lewis Tolle to connect with and intersect the Vanceburg, Salt Lick, and Tollsboro turnpike road, at or near the Lewis and Mason county line. Said company is further authorized and empowered to locate and construct another branch of said road, said branch to commence at or near the station on said road, No. 206, near O. P. Wright's; thence through said Wright's lands the most practicable and direct route to the line between Mason and Lewis counties, near the mouth of the east fork of Cabin creek.

1869. Said branches shall be under the control of said company and its officers, as the main road is by law. Said company is hereby authorized to receive subscriptions of stock for the construction of said branches respectively. Said company shall be governed by the provisions of their original charter, to which this is an amendment, in the laying out and constructing said branches, and in procuring the right of way therefor; and the same rules and regulations, so far as applicable, shall govern said branches as may prevail or be prescribed as to the main road; but when one and a half miles of the latter branch is completed, said company may receive toll for travel on the same in proportion to the distance traveled.

§ 2. The Mason county court may subscribe additional stock for the construction of said branches, in proportion to their length, not exceeding the rate of one thousand dollars per mile, payable on the completion of said branches respectively, or of one mile of either.

§ 3. This act shall be in force from its passage.

Approved March 11, 1869.

CHAPTER 1913.

AN ACT to incorporate the Mayfield and Boydsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company
incorporated,
and corporate
powers.

§ 1. That a company is hereby incorporated and created a body-politic, with perpetual succession; and by the aforesaid name may contract and be contracted with, sue and be sued, answer and be answered, with power to acquire, hold, use, and possess all such real and personal estate as may be necessary or convenient to construct a road from Mayfield to Boydsville, with power to branch the same; and said company may make and ordain all such rules and by-laws as may be proper for the construction of or repair of said road, and the management of its prudential and financial concerns.

Width and
grade, &c.

§ 2. That the width of said road shall not be less than sixty feet at any point, and the artificial part of gravel, stone, or plank shall be fixed by the directors, as also the grade of said road; and said company shall have the right to construct bridges over the different crossings of said road, and charge toll at same not exceeding rates fixed by law, if they deem it right and proper, until said tolls shall amount to a sufficient sum to pay for said bridges.

When gates
may be erected.

§ 3. After four miles of said road shall be completed, said directors may establish a toll-gate at such point as they may deem right, and apply the tolls to the prosecut-

ing of the work and keeping said road in order; and may, after the next four miles are completed, establish another, and so on to the end of said road; all the proceeds shall be applied to the purposes aforesaid. At all of said gates the rates shall be prescribed by the directors, not to exceed rates fixed by Revised Statutes.

1869.

§ 4. The president and directors, or their engineer, shall have the right to enter upon any lands and survey out said road, and examine any gravel pits or timber necessary for construction and repair of same; and if no satisfactory agreement can be made with owner for same, the president and directors, or a majority of them, may, by order, apply to the circuit court clerk of the county where the land lies upon which the gravel is situated, or timber, or the part of the road in regard to which the right of way is refused; whose duty it shall be to issue a writ of *ad quod damnum* to assess the damages which any such dissatisfied owner of any such land, gravel beds, or timber shall sustain. And the jury shall take into consideration, in assessing the damages, the advantages and disadvantages of said road, and offset the same against each other; said writ shall be directed to the sheriff of said county, and he shall, in five days after the writ, summon a jury of twelve men, qualified under the law as petit jurymen in civil suits, and each party shall have three challenges peremptory; said officer shall swear the jury, after the twelve are selected by the parties, as they are directed to be sworn in other cases of writs of *ad quod damnum*, and shall return the writ to the circuit court clerk, with the verdict of the jury; and the said company, upon payment of the sum fixed in the verdict to the party claimant, his agent or attorney, or, if he has no agent, by paying it to the clerk of said court for the claimant, or by tendering it to either of said parties, shall be vested with the right of way, and to control and use all gravel beds and timber so condemned as aforesaid. In constructing said road, and keeping same in repair, either party may, within two days after the return of the writ, file exceptions as to the error in the amount assessed; and the clerk shall docket said exceptions as other cases, and it shall be tried as other cases of common law. The party who fails in sustaining his exception shall pay the costs, for which execution shall issue as in other cases; but the road shall pay the costs incurred on the trial of the original writ in the county. Rule laid down in Revised Statutes in regard to the selection and qualification of jurymen, in section seven, chapter eighty-four, article one, shall apply in all cases arising under this act.

May enter upon
lands, right
of way, &c.

§ 5. Should it be necessary to prosecute the work on said road during the cropping season, and the owners of inclosed lands be embarrassed for want of labor or time to

Gates may be
put across road
in certain cases

1869. make additional fencing made necessary by the running of said road through their inclosure, then it shall be the duty of said president and directors to permit gates to be put up by such persons, which shall not remain for more than twelve months from the time they are erected.

Commissioners to receive subscription of stock.

Capital stock.

§ 6. John Eaker, J. W. Crook, J. S. Thomas, Thomas Collins, J. L. Dunbar, O. H. Perry, T. A. Slayden, J. C. Hester, George Jenkins, J. L. Jenkins, J. M. Yarbrough, N. Hale, Andrew Torian, E. W. Weathers, L. Anderson, of Graves county, are hereby appointed commissioners to open books and receive subscriptions of stock to said road. Either one or all of them may act. The capital stock of said road shall be one hundred thousand dollars, divided into shares of fifty dollars each.

When company may organize, how stock voted, &c.

Treasurer to be elected.

Elections to be annually.

Treasurer to give bond.

§ 7. Whenever five thousand dollars is subscribed or more, public notice shall be given in the newspaper published at Mayfield, for ten days, of the time and place of meeting of the stockholders, who shall have one vote for every share of stock, and may vote by proxy or in person, and they shall proceed to elect a president and six directors; said directors shall reside in Graves county, and shall all be stockholders; they shall also elect a treasurer at same time, all of whom shall hold their office for twelve months, and until their successors are qualified. Elections shall hereafter be annual, at such times and places as the board of directors may direct, for president, directors, and treasurer. The treasurer shall execute bond with good security, for the discharge of such duties as the board of directors may impose upon him, and the safe-keeping and payment of all sums which he may receive, to the order of the president and directors, upon which bond or covenant he and his sureties may be sued for any breach; said bond shall be filed with the county clerk of Graves, and by him safely kept; and each successive treasurer shall execute a like bond, to be approved by the president and directors, and filed as aforesaid.

Body-corporate, and corporate powers.

§ 8. As soon as said election is held, said president and directors shall constitute and be a body-politic and corporate, under the name and style aforesaid, and be vested with all the powers hereinbefore specified; and shall have perpetual succession; and have all the franchises usually granted to similar corporations.

Record of proceedings to be kept, called meetings, quorum.

§ 9. The president and directors shall have kept by a secretary a book showing all their proceedings; and shall meet at least every three months, at such time and place as said president may direct, of which each director shall be notified; and a majority of directors shall constitute a quorum to do business.

Location of road.

§ 10. As soon as said president and board is organized as aforesaid, they shall have the road located, by a com-

petent engineer, from Mayfield to Boydsville, and may branch their road whenever they see proper. The main road shall be located on the nearest and best route, which question shall be determined by the board of directors, and all shall vote; and if a tie, the president shall [give the] casting vote, and in all other cases of tie. 1869.

§ 11. The president shall give notice of the amount of call on each share of stock and of the time of payment; and if any stockholder shall fail to pay his amount of stock so called for, for the space of thirty days after it becomes due, it shall draw ten per cent. interest; and if not paid in six months, the stock of such stockholder shall be forfeited to the company, and the president shall sell such forfeited stock at public sale, and the proceeds shall go into the treasury of the company. No stockholder shall, at any time, vote after first election who has not paid up all calls on his stock. Calls on stock.

§ 12. Any subscriber, to the amount of five hundred dollars, as soon as it is paid, and as long as he is the owner thereof, shall have the privilege of travel for himself and family toll free; and any subscriber to the amount of one thousand dollars shall, on the same conditions, be entitled to travel toll free, and all his family, and haul free all his produce. Stockholders may use road free of toll, &c.

§ 13. That if any person shall go around or turn off of the said road with intent to evade payment of toll, he or they so offending shall be fined ten dollars, to be recovered by warrant before any justice of the peace, for the use of the road; and said judgment shall be collected as other judgments or fines are collected. Penalty for evading payment of toll.

§ 14. This act shall take effect from and after its passage.

Approved March 11, 1869.

CHAPTER 1914.

AN ACT to establish a State Road from Hopkinsville to Paducah, via Parkersville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a State road is hereby established from Hopkinsville, in Christian county, to Paducah, in McCracken county, via Parkersville, in Lyon county; and that it shall be the duty of the county court of each county through which said road shall run, to-wit: Christian, Trigg, Lyon, Marshall, and McCracken, to appoint one viewer each, to meet at Hopkinsville at such time as they may agree upon, and proceed to view, by the nearest and most practicable route, the location for said road from Hopkinsville via

1869. Parkersville to Paducah; and said viewers shall, at first session of the county court of their respective counties after they have viewed the route, report their action, and the route they have decided on.

§ 2. That after receiving such report, the county courts of the respective counties shall proceed in the same manner for cutting out and keeping in order said road, within their respective limits, as the law now requires them to act with regard to county roads in this Commonwealth.

§ 3. This act to take effect from its passage.

Approved March 11, 1869.

CHAPTER 1915.

AN ACT to declare Buffalo Creek, in Floyd County, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Buffalo creek, in Floyd county, be, and the same is hereby, declared a navigable stream from its mouth to the Pike county line.

§ 2. That any person who shall willfully obstruct or interfere with the navigation of said stream from its mouth to the said Pike county line, shall be subject to all the penalties now prescribed by law for the obstruction of navigable streams in this Commonwealth.

§ 3. This act shall take effect from its passage.

Approved March 11, 1869.

CHAPTER 1916.

AN ACT to incorporate Jefferson College, at Jeffersontown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established and incorporated within the limits of Jeffersontown, Jefferson county, Kentucky, an institution under the name of "The Jefferson College," at Jeffersontown, and that Robert Welch, Nimrod Wells, Dr. Wm. Brian, Wm. Crawford, and Dr. S. B. Mills, and their successors in office, are hereby constituted a body-politic and corporate, by the name and style of the Jefferson College, at Jeffersontown; by which name they shall have perpetual succession, with a common seal, and power to alter and change the same at pleasure.

§ 2. The said trustees, and their successors in office, shall have power to acquire and hold, by descent, devise, donation, or purchase, real, personal, and mixed estate, not exceeding fifty thousand dollars, for the purposes of

said institution; to contract and be contracted with, plead and be impleaded, in all courts of competent jurisdiction.

1869.

§ 3. The capital stock of said institution shall be divided into shares of twenty-five dollars each, to be paid as may be directed by the by-laws of said institution.

§ 4. The trustees named in the first section of this act, or such of them as may act, shall constitute a board, and may proceed to elect a president of said board, and such other officers as may be deemed proper; but it shall require at least four of said trustees to constitute a board.

§ 5. The board of trustees shall have power to make all necessary rules and regulations for the acquisition or sale of property and estate, not inconsistent with the Constitution and laws of the United States and of the State of Kentucky.

§ 6. When a sufficient amount of stock is subscribed to purchase, in whole or in part, real estate for said college, it shall be the duty of the president to give notice to the stockholders of a time and place to meet to elect seven trustees for said college. No person unless a stockholder shall be eligible to the office of trustee, and no stockholder shall be entitled to more than twenty votes, up to which number each share of stock shall entitle the holder to one vote for such share; and the trustees thus elected shall hold their office for one year, and until their successors are elected.

§ 7. Said trustees shall have power to employ one or more suitable persons to take charge of and manage said college, under such regulations and restrictions as they may from time to time adopt.

§ 8. An election for trustees shall be held annually; and if, from any cause, an election is not held at the regular time of holding the election, the same may be held as soon thereafter as practicable.

§ 9. Said institution shall have authority to grant diplomas, degrees, and such other evidences of scholarship to its pupils as it may direct by its by-laws.

§ 10. The trustees shall have authority to fill vacancies in their board which may from time to time occur.

§ 11. This act to take effect from and after its passage.

Approved March 11, 1869.

1869.

CHAPTER 1917.

AN ACT for the benefit of Common School District No. 54, in Trigg County.

WHEREAS, There was a common school taught in district No. 54, in Trigg county, during the year 1868, and the trustees having failed to make the report required by law in the time prescribed by law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of said district for the year 1868 are hereby authorized to appear before the common school commissioner for Trigg county, and make out a report in the same manner as is now required by law of trustees of common schools in this Commonwealth, which report shall be immediately forwarded to the Superintendent of Public Instruction; and, thereupon, the said Superintendent shall certify to the Auditor the number of children attending school in said district, the average and lowest number, and the amount that would have been due said district had the report been made as required by law; whereupon, the Auditor of State shall draw his warrant upon the Treasurer for the amount that would have been due said district for the year 1868, in favor of the trustees of district No. 54, in Trigg county, for the benefit of the children of said district.

§ 2. This act to be in force from its passage.

Approved March 11, 1869.

CHAPTER 1918.

AN ACT to charter the Hebron Academy Company, of Boone County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That L. C. Conner, James S. Snyder, and W. A. Foster, trustees, be, and they are hereby, created a body-politic and corporate, by the name of the Hebron Academy Company, and they and their successors shall so continue and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, and do all other things that a body-politic and corporate of like character may lawfully do. They may make and ordain regulations and by-laws for their government, and alter and renew the same at pleasure: *Provided*, They be not in contravention of the Constitution and laws of the United States or of this State.

§ 2. That the said corporation shall have power and authority to acquire and hold real and personal estate, not

exceeding ten thousand dollars in value, and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and reinvest and dispose of the proceeds.

1869.

§ 3. That the capital stock shall not exceed five thousand dollars, to be divided into shares of ten dollars each. Each share shall entitle the holder thereof to one vote in the affairs of said company.

§ 4. That the manner of subscribing, paying in, and transferring the said stock, and the transaction of corporate business generally, shall be regulated by the trustees and by-laws of the company.

§ 5. The stockholders shall meet annually, after the expiration of the first year, and elect three trustees, whose duties shall be regulated and defined by the by-laws of said company. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

§ 6. This act to take effect from and after its passage.

Approved March 11, 1869.

CHAPTER 1919.

AN ACT for the benefit of the Carrollton and Eagle Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Carrollton and Eagle Creek turnpike road company shall have, and they are hereby empowered to sell and convey, that part of said road which lies between the limits of the town of Carrollton and the present location of the gate on said road: *Provided, however,* That no sale and conveyance of said part of said road shall be made until said company shall have made, according to the charter and amendments thereto, a sufficiency in length of new road on the eastern end of said road to make four miles from the present location of said gate to its eastern terminus.

§ 2. This act to take effect from and after its passage.

Approved March 11, 1869.

CHAPTER 1920.

AN ACT to amend an act, entitled "An act to authorize the election of a Police Judge in the Town of Irvine," approved March 30th, 1861.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to authorize the election of a police judge in the town of Irvine," approved

1869. March 30th, 1861, be so amended that the election of police judge, and of all other officers named in said act, shall be held on the first Saturday of April in each year.

§ 2. That whenever the day for a regular election of said officers named in the act to which this is an amendment shall have passed without said officers having been duly elected, the county judge of Estill county shall appoint them until the next regular election, and he shall fill all vacancies that may occur from time to time.

§ 3. This act shall be in force from its passage.

Approved March 11, 1869.

CHAPTER 1921.

AN ACT to incorporate the Stanford and Milledgeville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company is hereby created under the name and style of the Stanford and Milledgeville turnpike road company, for the purpose of constructing a turnpike road, on the macadamized or gravel plan, from a point on the Stanford and Knob Lick turnpike, near the bridge across the Hanging Fork, or at or near the premises of R. B. Woods, on said turnpike, to a point at or near Milledgeville, on the Danville and Hustonville turnpike road, in Lincoln county.

§ 2. That the capital stock of said company shall be fifteen thousand dollars (\$15,000).

§ 3. That J. A. Harris, Richard Cobb, R. B. Woods, T. J. Foster, M. Helm, P. C. Sandidge, and Levi Hubble, be, and they are hereby, appointed commissioners to open books for the subscription of stock. Any two of said commissioners shall be competent to receive subscriptions for stock in said road. The subscribers of stock shall sign, in a book provided for that purpose, an obligation, as follows: We, whose names are hereunto affixed, do severally promise to pay to the president and directors of the Stanford and Milledgeville turnpike road company, the sum of fifty dollars for each share of stock annexed to our respective names, as witness our hands this — day of —, 186—. Books for the subscriptions of said stock shall be opened on the first Monday in April, 1869, at Stanford, after at least two weeks' notice of the time and place of opening said books, by advertisement in the Stanford Banner or Kentucky Advocate; and said commissioners may continue said books open until the capital stock, or so much thereof as may be deemed necessary to complete said road, shall be taken:

1869.

Provided, That if, from any cause, the said books should not be opened on the day fixed above, or the stock should not be fully taken, then the said commissioners may open the same at any time within three years from the passage of the act.

§ 4. That whenever the sum of five thousand dollars (\$5,000) shall have been taken, it shall be the duty of said commissioners to advertise the same by notice in the Stanford Banner, or by printed notices posted at Stanford and Milledgeville for at least two weeks previous to the day of meeting, calling the stockholders together at such place and time as they may designate in said notice; and who, when called together, shall proceed to elect from their number a president, treasurer, secretary, and five directors, each of whom shall, before entering upon the duties of his office, take an oath before some justice of the peace that he will honestly, faithfully, and justly perform their respective duties, a certificate of which shall be recorded by the secretary in the books of the company. The treasurer shall execute bond, with security, in such penalty as the president and directors may prescribe, payable to the president, directors and company, of said corporation, which bond shall be preserved by the secretary. The said officers shall hold their office for the term of one year, and until their successors are elected and qualified: *Provided*, That no one shall hold either of said offices unless he is a shareholder in said road; and that, in the election of said officers, each shareholder shall have one vote for each share he holds.

§ 5. That the said president, directors and company, shall be a body corporate, under the name and style of "The Stanford and Milledgeville turnpike road company;" shall have perpetual succession; may sue and be sued, plead and be impleaded, in all courts of law and equity having jurisdiction of the subject-matter, and do and perform all things that like corporate bodies can do, not inconsistent with the laws of this State or the United States.

§ 6. That it shall be the duty of the president and directors to let three or more miles of the said road out whenever five thousand dollars of the capital stock shall have been taken, and the remainder when they may think a sufficient amount of stock has been taken to complete the road. That they may let any portion of said road to be made of gravel or stone, as they may deem proper. That they may let out any portion of said road to be paid for in the stock of the company, provided it does not exceed the engineer's estimate.

§ 7. That the Lincoln county court, a majority of the justices concurring therein, may take stock in said road, in

1869. a sum not exceeding five hundred dollars per mile; and, to pay for the same, may levy such a tax on each one hundred dollars' worth of property subject to State tax as will be sufficient for that purpose.

§ 8. That it shall be the duty of the president and directors to fix the route on which said road shall pass; and for that purpose may employ all necessary engineers, surveyors, &c., at the cost of the company; and they are hereby authorized to take the consent of any or all persons who may be disposed to grant the right of way for said road, and the use of rock, gravel, and timber for the use of said road, without charge, which, being so given, shall be binding to all intents and purposes; and that they are hereby authorized and empowered to enter in and upon the land and inclosures in, through, and over which said intended road may be thought proper to pass, and to examine and to survey the ground thereof; to examine for quarries, beds of stone, and other material necessary for the completion and repairs of said road. They shall locate on the most advantageous and practicable route, having due regard to economy, and cause a plat to be made out, showing the courses and distances through or over each owner of the land on the route of said road.

§ 9. When three miles of said road is complete, said company may erect a toll-gate, and charge tolls in proportion to the distance traveled, at the rates prescribed in chapter 103 of the Revised Statutes; and when the entire road is complete, they may erect another gate; and at each gate the rates charged shall be as herein prescribed.

§ 10. That the provisions, from the fifth to the thirty-fifth section, inclusive, of the charter of the Danville and Hustonville turnpike road company, approved March the 1st, 1844, be, and the same are hereby, made part of this charter, so far as it does not conflict with this.

§ 11. This act to take effect from its passage.

Approved March 11, 1869.

CHAPTER 1922.

AN ACT to amend the Henry, Oldham, and Jefferson Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Henry, Oldham, and Jefferson turnpike road company are hereby empowered to branch their road from the town of Ballardsville, in Oldham county, in such direction or directions as may be determined by the president and directors and company of said road, not exceeding ten miles in length.

§ 2. That in the construction and extension of said branch road or roads, the president, directors and company, shall have all the powers and privileges granted in their original charter and amendments: *Provided*, That if said branch road or roads be not completed within ten years, this amendment shall be forfeited as to the unfinished portions, but shall remain valid as to the rest.

1869.

§ 3. This act shall take effect from its passage.

Approved March 11, 1869.

CHAPTER 1923.

AN ACT to amend an act to incorporate the Henderson Fair Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the tenth section of an act to incorporate the Henderson Fair Company be, and the same is hereby, repealed; and that hereafter it shall be lawful for the board of directors, and they shall have power, to license peddlers, hucksters, and vendors of any article of food, and any shows or performances, upon their grounds; and to restrain all persons who do not take a license from their company for such purpose.

§ 2. The board of directors shall have power to borrow money and issue the bonds of the company therefor, bearing interest not exceeding ten per cent. per annum, and pledge the property of the company therefor: *Provided*, that two thirds of the entire board of directors elected concur, and the yeas and nays recorded in their journal.

§ 3. This act shall take effect from and after its passage.

Approved March 11, 1869.

CHAPTER 1924.

AN ACT for the benefit of the Maysville and Lexington Railroad Company, Northern Division.

WHEREAS, The county court of Mason county has subscribed, in the name of Mason county, to the capital stock of the Maysville and Lexington railroad company, northern division, such a sum as will be produced by a levy of a tax of one per cent. per annum, for three years, upon the assessed value of the taxable property of said county, which it is believed will amount to at least two hundred and forty thousand dollars; and whereas, the county court of Nicholas county has made a similar subscription, which it is believed will produce about the sum of one hundred

1869. thousand dollars; and whereas, it may be desirable that said railroad company, in order to secure the early building of said road, shall have power to anticipate the collection of said taxes, and borrow money on the faith of said subscriptions—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said railroad company be, and is hereby, authorized to issue the bonds of said company for an amount not exceeding three hundred thousand dollars, in such sums as the board of directors may choose; payable to bearer and transferable by delivery; and to sell said bonds, or to borrow money on the faith of said bonds, or pay the same to contractors for work done on said road, or in the purchase of iron, cross-ties, or other materials for the use of said road, or to dispose of them as they may find to be necessary and proper in promoting the construction of said road, or the general interests and purposes of said corporation.

§ 2. That no portion of said bonds shall be issued or disposed of until the county courts of said counties shall have made their first levy for the purpose of raising the taxes to pay their subscriptions to the capital stock of said company.

§ 3. That if said board of directors shall decide to issue any of said bonds, they shall pass an order to that effect, a copy of which shall be signed by the president and secretary of said company, and be acknowledged by them before the clerks of the county courts of Mason and Nicholas counties for record in their respective offices, which order shall state the amount proposed to be issued, the number and denomination of said bonds, the time and place at which they are made payable; and that so much of the taxes to be received from said counties as shall be sufficient to pay said bonds, shall be sacredly pledged and set apart, used, and applied to the payment and redemption of said bonds, and such pledge shall be binding upon the board of directors; and if the president or directors, or any of them, shall knowingly and willfully pervert and misappropriate any of the taxes received to any other purpose until the bonds for which such taxes are pledged shall have been redeemed, each and all of them consenting thereto shall be personally liable to the holders of said bonds for the payment of the same: *Provided*, That if, at the end of any year, the amount of taxes shall have been received, set apart, and kept by said company, sufficient to provide for the bonds falling due and payable out of that year's taxes, the excess of that year's taxes may be appropriated by said company to the other expenditures of said company.

§ 3. That no right of action shall accrue to any person who may become the owner or holder of any of said bonds until, after the maturity of said bonds, demand shall have been made for the payment of the same at the place stipulated for their payment; nor shall interest begin to run upon said bonds until after such demand shall have been made, and a refusal to pay the same; after which time, if payment is not made, interest shall run at the rate of six per cent. per annum until payment.

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§ 4. That if the county court of any other county in which said railroad is located shall hereafter subscribe for stock in said company, and order a levy to be made to pay their subscription, said company may have the right to issue the bonds of said company, for a sum not exceeding three fourths of the amount which it is probable, from an estimate based upon the preceding year's assessment, the taxes to be levied in three years will produce; and if the board of directors shall decide to issue said additional amount of their bonds, the whole orders and proceedings touching the same shall be instituted in said other county or counties, and the same obligations and conditions shall be in force in relation to said additional bonds, based upon the pledge of the taxes of said other county or counties, as are herein prescribed touching the bonds to be issued upon the pledge of taxes of Mason and Nicholas counties.

§ 5. That the provisions of an act, entitled "An act to tax railroads, turnpikes, and other corporations, in aid of the Sinking Fund," approved February 20, 1862, shall not be applied to the Maysville and Lexington railroad company, northern division; and said company shall be exempt from all taxation, for any purpose, until said road shall be completed from Maysville to Paris; but after said railroad shall have been completed, the property of said company shall be assessed for taxation, and be required to pay the same rate of taxation as is then required of other railroads in this State.

§ 6. This act shall be in force from its passage.

Approved March 11, 1869.

CHAPTER 1925.

AN ACT to incorporate Edmonton Chapter, No. 100, Royal Arch Masons, of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members, and those who may hereafter become members, of Edmonton Chapter, No. 100, Royal Arch Masons, of the town of Edmonton, Metcalfe county, Kentucky, be, and they are hereby, created a body-politic

1869. and corporate, by the name and style of Edmonton Chapter, No. 100, Royal Arch Masons; and by that name and style shall have perpetual succession, and be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding such real and personal estate as may be required for the use of said chapter, and to receive conveyances for the same; to sell and convey and dispose of all such real and personal estate as they may now have or hereafter acquire: *Provided*, That the amount invested in real estate, exclusive of the buildings thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of the said corporation shall be, and is hereby, confided to the High Priest, King, and Scribe, and their successors in office, as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the personal and real estate belonging to said chapter, or which may hereafter be acquired by it.

§ 3. The trustees shall have power to pass such by-laws, rules and regulations, not inconsistent with law, as may be necessary for the safe-keeping of the property and other interest of said chapter, and may have and use a common seal; and in conveying real estate, the whole board of trustees shall join in such conveyance.

§ 4. This act to take effect from its passage.

Approved March 11, 1869.

CHAPTER 1926.

AN ACT to incorporate the Paducah Boat-building and Dock Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. G. Fowler, Tobe Leake, E. H. Murry, Geo. Myers, A. S. Jones, Richard Woolfolk, and such others as may become stockholders in said company, are hereby created a body-politic and corporate, by the name and style of the "Paducah Boat-building and Dock Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places, as a natural person; and may have and use a common seal, and change and alter the same at will. And said company shall have all other powers usual and incident to corporations; and may have and exercise such other rights and privileges as may be convenient and desirable for the successful transaction of its business, provided the same are not contrary to law.

§ 2. The capital stock of said company shall be divided into shares of fifty dollars each, and may consist of any

number of shares (not exceeding six thousand) that the persons named in the first section of this act may designate, and may be subscribed and paid for by individuals or corporations, upon such terms and conditions as may be stipulated in the books of subscription; and said persons, or a majority of them, may open books for, and receive subscriptions to, the capital stock of said company, at such time and places as they may deem proper. And whenever as many as two hundred shares have been subscribed and secured to be paid, the persons before named may call a meeting of the subscribers, at some convenient time and place, to elect a board of five directors from amongst the stockholders, who, when thus elected, shall elect one of their own number president of the company; and the president and directors when thus elected shall have the management, government, and control of the property, business, and affairs of said company.

§ 3. The board of directors of said company are hereby authorized to elect a secretary, and such other officers, agents, and servants, as may be deemed expedient for the transaction of the business of the company, and prescribe their powers and duties; and may require of any or all of them bonds in such penalties, conditioned for the faithful and honest performance of their respective duties, as they may think proper; and upon any bond thus taken, recovery may be had for breaches of the conditions thereof. Said board of directors are also hereby authorized and empowered to enact and put in force such by-laws, rules and regulations, for the management and government of said company, its property, business, and affairs, as they may deem proper, and alter, change, or repeal the same at will. And it shall be their duty to provide in the by-laws for regular annual elections of directors by the stockholders.

§ 4. Said company is hereby authorized and empowered to engage in the construction, building, and repairing of boats, barges, and all kinds and descriptions of water craft whatsoever; and to that end, it is hereby authorized to receive, lease, purchase, own, hold, occupy, enjoy, and control, all such real and personal property, goods and chattels, as may be convenient and desirable for the successful carrying on of its operations; and may erect, build, and construct, upon any lot or lots, tract or tracts of land, it may in any manner acquire, such dry or floating docks, ways, ship or boat-yards, mills, houses, engines, machines or machinery, as it may desire, and have and exercise all rights, powers, and privileges over the same, including the right to grant, bargain, sell, and convey the same, or any part thereof, as a natural person.

1869. § 5. This act shall take effect and be in force from and after its passage.

Approved March 11, 1869.

CHAPTER 1927.

AN ACT to amend the Charter of the Georgetown, Oxford, and Leesburg Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Georgetown, Oxford, and Leesburg turnpike road be so amended as to authorize the directors of said road, and they are hereby empowered, to erect a toll-house, and charge one half the usual toll, whenever two and a half miles of the same are completed.

§ 2. This act to take effect from its passage.

Approved March 11, 1869.

CHAPTER 1928.

AN ACT to incorporate the German Roman Catholic St. Joseph's Benevolent Society, of the City of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John M. Dietz, Ferdinand Tabke, Frank Betz, Joseph Wiengartner, and Joseph Bohrer, and their associates and successors, be, and they are hereby, created a body corporate and politic, by the name and style of the German Roman Catholic St. Joseph's Benevolent Society, of Newport, Kentucky; and by that name shall be known, and shall have the right to contract and be contracted with, plead and be impleaded, sue and be sued; to purchase and hold real and personal estate sufficient for benevolent purposes, and dispose of the same at pleasure; to have a common seal, and to have the right to alter the same at pleasure; to make their own constitution and by-laws, and those now in force in said society to alter or amend when deemed proper for the good of their society; nothing, however, to be in conflict with the Constitution of the United States or of the State of Kentucky.

§ 2. The affairs of said society shall be managed by a president, vice president, treasurer, first and second secretaries, four members of the sick committee, and such other officers as they may see proper to appoint. The officers shall be elected annually, and shall hold their offices until their successors are elected.

§ 3. This society shall have power to levy and collect such fees for membership, and such stated dues thereafter to be paid by its members, and at such times, as may be fixed by its constitution and by-laws; and shall also have the right to prescribe its own mode of paying or loaning out its surplus funds, or to invest the same as it may deem proper, but not to exercise banking privileges. 1869.

§ 4. The object of the society is, that the members, by paying an admission fee and by payment of monthly dues, fines, &c., create a treasury for the support of sick or unfortunate members of the society, and, in case of death, to help their widows and children, according to the constitution and by-laws of the society.

§ 5. This act shall take effect and be in force from and after its passage.

Approved March 11, 1869.

CHAPTER 1929.

AN ACT to incorporate the Grier's Creek Turnpike Road Company, in Woodford County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated, by the name and style of the Grier's Creek Turnpike Road Company, in Woodford county; and Johnson Miller, W. J. Frazier, Jerry Dean, Berry Mosby, A. O. McClure, Marion Burch, David Nash, John Nash, Samuel Shouse, James McFall, Thomas Arnold, M. S. O'Neal, and John Arnold, are hereby appointed commissioners to open books of subscription to the stock of said company.

§ 2. The capital stock of said company shall be fifteen thousand dollars, to be divided into shares of one hundred dollars each; and each stockholder shall be entitled to one vote, personally or by proxy, for every share of stock owned by him; and each share of said stock shall exempt one hand from work on dirt roads in the county.

§ 3. Said road shall run from a point on the Munday's Ferry turnpike road, near the residence of John Arnold, to a point on the Versailles and Shryock's Ferry turnpike road, near Frazier's mill; said points to be selected by the directors.

§ 4. Said company shall enjoy similar rights and privileges to those granted to the Lexington, Versailles, and Frankfort turnpike road company; and may erect two toll-houses, and may collect the same rates of toll as are allowed under the charter of said Lexington, Versailles, and Frankfort turnpike road.

1869. § 5. The width, grade, and metal of said road shall be determined by the board of directors; but the width shall not be more than fifty nor less than twenty-five feet, and the metal not less than twelve feet wide.

§ 6. It shall be the duty of the commissioners to call a meeting of the stockholders so soon as five thousand dollars of stock is subscribed, who shall elect a board of five directors (stockholders), who may choose one of their number president, all of whom shall serve for one year, and until their successors are elected and qualified; and they shall have power to elect such officers as they may deem necessary for the management of said road.

§ 7. All the provisions of the most favored turnpike road charters, not inconsistent with this charter, shall apply to this company.

§ 8. This act shall take effect from its passage.

Approved March 11, 1869.

CHAPTER 1931.

AN ACT concerning the sale of Liquor in District No. 4, in Monroe County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful hereafter for the judge of the Monroe county court to grant or allow a license, issued under and by authority of which liquors of any kind shall be sold, in any quantity less than one gallon, within district number four, known and called the Center Point district, in Monroe county: *Provided, however,* That any person now having such license to sell liquors in that district, shall not be abridged in the exercise of that privilege till such license shall expire: *And provided further,* That whenever a majority of the qualified voters of said district shall petition, in writing, said court for such licensed privilege to be granted to any tavern-keeper or merchant in said district, then the said county court is hereby declared to be vested with discretion to grant such privilege or not, as said court may deem just to the people of the district; but in no case is the court to grant the license without the applicant complying with the law in every other respect; and if, at any time, such license is granted, said court is to have full power to revoke and set the same aside at any time, upon five days' notice being given the holder.

§ 2. This act to take effect from its passage.

Approved March 11, 1869.

CHAPTER 1932.

1869.

AN ACT authorizing the Trustees of the Methodist Episcopal Church, South, in Cynthiana, to sell and convey their Church Property, and to reinvest the money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the Methodist Episcopal Church, South, in Cynthiana, be, and they are hereby, empowered to sell and convey their church property in said town, and to reinvest the money in the purchase of another lot, and the erection of a house of worship thereon: *Provided, however,* That this act shall not affect or involve the question of title as between the Methodist Episcopal Church, South, and the Methodist Episcopal Church.

§ 2. This act to take effect from its passage.

Approved March 11, 1869.

CHAPTER 1933.

AN ACT to amend an act, entitled "An act permitting the sale of real estate at the door of the Court-house, in the City of Newport," approved February 6, 1858.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter, when the Campbell circuit court shall so order, it shall be lawful for the master or other commissioner of said court to make sales of real estate, adjudged to be sold, at the court-house door in the city of Newport, on days other than county court days, to be fixed by him, after advertising, as now required by law.

§ 2. This act shall take effect from its passage.

Approved March 11, 1869.

CHAPTER 1934.

AN ACT for the benefit of Robert E. Puryear.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert E. Puryear, of Taylor county, Kentucky, be, and he is hereby, freed from all the disabilities of minority; and is hereby declared to be of full age, and is vested with all the civil rights, immunities, and powers he would have on attaining the age of twenty-one years, and in law is declared competent to contract and of being contracted with, and subject to all the liabilities and penalties of a man of age.

§ 2. This act shall take effect from its passage.

Approved March 11, 1869.

1869.

CHAPTER 1935.

AN ACT to re-enact and amend the Road Law of Henderson, Union, and Taylor Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

General superintendent to be elected in each county.

Powers and duty.

§ 1. That an act, entitled "An act concerning the county roads in Henderson, Union, and Taylor counties," approved March 9th, 1867, be, and the same is hereby, re-enacted and amended as follows: That it shall be lawful for the Henderson, Union, and Taylor county courts, the presiding judges and a majority of the justices in commission being present and concurring therein, at any regular or called meeting, to elect a general superintendent of roads (for each county), who shall hold his office for the term of two years, unless sooner removed or discharged by the court. It shall be the duty of said superintendent to oversee all county roads within said county, keep, or cause them to be kept in good order; superintend the building of all necessary bridges on county roads, under the orders and direction of the county court; have all obstructions upon, or which may be placed upon, said county roads, removed; superintend the opening and changing of any road or roads as directed by said county court: *Provided*, That, for the purposes enumerated, the fund provided for in this act is sufficient; and if not sufficient, then it is to be used at such places, and for such purposes, as the superintendent, under the general direction of said court, may determine. That the said court, in giving directions for the expenditure of said fund, shall have due regard to the public good, and to a fair distribution of such expenditure in the different portions of the county.

To take oath, give bond, &c.

§ 2. That all superintendents appointed under this act shall, before entering upon their duties, take an oath faithfully to discharge the duties of their station; and shall execute bond or covenant to the Commonwealth of Kentucky, with surety, to be approved of by the court making the appointment, conditioned for the faithful discharge of the duties of superintendent, and for the safe-keeping and proper preservation of the tools, implements, and work stock owned by the county, and used under his direction. The taking of said oath, and the execution of said bond and approval of the sureties, shall be noted on the order-book of the county court; and the bond shall be carefully kept on file in the clerk's office. The said county courts, or any person aggrieved, may, from time to time, institute suit against such superintendent and the said sureties on said bond, for any loss or damage sustained by the acts or omissions of said superintendent, in any court having juris-

diction of the amount of damages claimed. The said bond shall not be void or discharged upon the first or any other recovery, nor until all persons aggrieved shall be satisfied.

1869.

§ 3. That for any violation of, or failure, without good cause, to discharge any duties prescribed by this act, said superintendent shall be deemed guilty of a misdemeanor, and shall be fined not less than ten nor more than one hundred dollars, to be recovered by warrant in the name of the Commonwealth of Kentucky, to be issued by and returnable to the quarterly court of the county in which said superintendent is appointed; and it shall be the duty of the judge of said court to issue such warrant upon his own knowledge, or upon information of others upon oath. In the trial of such warrant, the said superintendent shall be entitled, if he demands it, to a trial by jury, to be conducted as other jury trials before quarterly courts, and the fines assessed are to be collected as other fines. It shall be the duty of the county attorney to prosecute all warrants under this section; and for all cases so prosecuted, he shall receive as compensation twenty per cent. of the fine; and on his failure to attend or prosecute, the judge of the quarterly court may appoint some other practicing attorney to prosecute, who shall be entitled to said commission for his services.

Penalty for
failure of duty.

County at-
torney to pros-
ecute.

§ 4. The said superintendent may hire, on the best terms he can, such hands as may be necessary to perform the work on said roads, and may purchase all necessary tools and implements with which to perform said work; and he may, upon order of the judge of the county court, purchase such work animals, not to exceed eight hundred dollars in value, as may be suitable and necessary to perform the work which he is herein required to have done; and said tools, implements, and work animals shall belong to the county, and be under the control of said superintendent; but the judge of the county court may at any time direct, in his discretion, the safe-keeping, sale, or disposition of any of said tools, implements, or animals. The said superintendent shall, at the expense of the county, make all necessary and proper provisions for the sustenance and safe-keeping of the said tools, implements, and stock. The superintendent may, under such orders, rules and regulations, as the said county court may prescribe, let out to the lowest and best bidder any necessary work on said roads.

May hire
hands, pur-
chase tools, &c.

May let out
road.

§ 5. The said county courts, a majority of the justices concurring, may appoint assistant superintendents, not exceeding one in each election precinct, whose duty it shall be to perform such services as may be required by the principal superintendent. They shall, before enter-

1869. ing upon the discharge of their duties, execute bond, with good surety, to indemnify the said principal superintendent against any or all loss or damage on account of their acts or omissions in the discharge of the duties assigned them.

To make report to county court when required.

§ 6. That the superintendent shall, at least once in each year, and oftener if required, make to said court a full report of all work done by him or his assistants, or under or by his or their direction; of all the tools, implements, and work stock purchased and on hand, and the cost of each item thereof, and all other expenses necessary to the full performance of his duties on said roads; and also report all sales and disposition of said tools, implements, and stock; and make a full and separate report of the number of days he and each of his assistants were engaged in performing his or their duties, which reports must be sworn to. Said superintendent and his assistants shall be paid for their services a reasonable compensation, to be fixed by the court.

Penalty for obstructing road.

§ 7. That any person who shall willfully or negligently injure, destroy, or obstruct any of the said public roads or bridges, or any of the culverts or ditches on said roads, or shall willfully or negligently injure any of the tools, implements, or stock, mentioned in this act, or shall, without permission of the superintendent, take possession of or appropriate the same, shall be fined not less than five nor more than twenty-five dollars, to be recovered in like manner as the fines prescribed herein for the superintendent, and shall also be liable in double damages to the county, or any person aggrieved or injured, to be recovered in any court having jurisdiction of the amount. It shall be the duty of the superintendent and his assistants to report promptly to the judge of the county court all violations of this section.

Tax may be assessed.

§ 8. That the said county court, a majority of the justices agreeing, may, on any regular county court day, assess a tax of not less than ten cents on each one hundred dollars, which by law is assessed for revenue purposes, and a capitation tax not exceeding two dollars on each person required by law to work roads in said county.

Who to collect tax, and how disposed of

§ 9. That the ad valorem and capitation tax provided for in section eight, *supra*, shall be collected by the sheriff of the county as the county levy is now collected, and he shall pay out the same in discharge of the liabilities incurred by the superintendent for labor, tools, implements, materials, work stock, or provender, purchased by him or his assistants, upon the order or certificate of said superintendent given to the person who did the work or furnished the articles, setting forth by days, and price per day, the work done, and a description and price of

articles and materials furnished: *Provided*, That the sheriff shall take up and pay no such certificate unless indorsed "approved" by the presiding judge of the county court; and he shall have credit in his annual settlement for no such certificate unless so indorsed. The obligations of the sheriff shall be the same under this act as they are now under the county levy.

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§ 10. It shall be the duty of the county court, at the time they assess the aforesaid tax, to assess a further capitation tax, not exceeding two dollars on each person, which shall be collected as the tax as provided for in section eight of this act, which shall be paid out by the sheriff on the order of the county judge, in discharge of the liabilities incurred in the construction and repairing of bridges in said county; and the sheriff shall have credit in his annual settlement for the amount so paid, upon the production of the receipt or certificate of the person to whom paid, setting forth the work, materials, &c., used in the construction or repair of any bridge designated by name or locality, as fixed by the road on which the said bridge is erected; which certificate or receipt must be indorsed "approved" by the judge of the county court; and the obligations and liabilities of the sheriff under this section shall be as in section nine (9) of this act provided.

Tax to be assessed to aid in construction of bridges, &c.

§ 11. It shall be the duty of the levy court of said county, at its regular term, to direct and appoint some one to let out to the lowest and best bidder the construction and repairing of all bridges in said county of that class known as "county bridges;" all other bridges in said county are to be erected and kept in repair by the superintendent of county roads.

Construction of bridges to be let out.

§ 12. That any and all delinquent capitation tax-payers under this act shall be required to work out their taxes at such time and on such roads as the superintendent or his assistants may require, for which such delinquents shall have credit at the rate of one dollar for each full day's work performed by him: *Provided*, That such person shall not be required to travel an unreasonable distance from his home or place of residence. The superintendent and his assistants, for the purposes above set forth, are invested with the same authority that surveyors of roads now have; and for failing or refusing to comply with the orders of said superintendent, when notified as required by law, all such delinquents are made liable to all the pains and penalties now imposed by law for persons failing or refusing to work on roads.

Delinquent tax-payers to work out taxes.

§ 13. That the judge of the county court, in all orders opening or changing roads, may direct the same to be opened, in whole or in part, by the superintendent and

In relation to opening and changing roads.

1869.

his assistants; or may direct that the person or persons applying for said new road or change of road shall, in whole or in part, make the same, and pay any part of the damages that may be assessed under any writ or writs of *ad quod damnum*; and in either case, the said county judge may direct that those persons who, by the general law on the subject, are required to work on roads, living within one half mile on either side of the proposed road or change, shall, upon being summoned, assist the superintendent or other person designated to open said new road or make the proposed change; and any of such persons who, upon being summoned, shall fail or refuse, without good cause, to attend and assist as herein required, shall be subject to the same penalties as delinquent road hands are, the proceedings against them to be as provided in the existing laws.

When this act
to take effect.

Citizens of
city of Henderson
exempt.

Conflicting
laws repealed.

§ 14. As to Union county, this act shall take effect from and after its passage; and as to the counties of Henderson and Taylor, it shall take effect and be in force from and after its adoption by the voters of said counties, or either of them, at any regular election, as designated by said county courts respectively, as provided in sections ten and eleven of the act of which this is an amendment, and which is hereby re-enacted: *Provided*, Persons living within the limits of the city of Henderson are exempt from taxation, and are not entitled to vote on said tax; and that all property lying within the limits of said city shall be exempt from taxation under this act: *And provided further*, That the provisions of section ten of this amended act shall not apply to the counties of Henderson and Taylor.

§ 15. That so much of any public or private act or law now existing as conflicts with the provisions of this amended act is hereby repealed, so far as the same applies to Union county, or to Henderson or Taylor county, when said county shall adopt this amended act.

Approved March 11, 1869.

CHAPTER 1936.

AN ACT to incorporate the Spencer County Mutual Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That F. A. Day, S. R. Norman, Daniel McKinley, W. D. Dale, M. L. Hoffman, J. G. Vandyke, James T. Ried, William Carithers, and John H. Gilliam, and all other persons who may become members of said company, in the manner herein prescribed, be, and they are hereby, incorporated and made a body-politic, by the name of the Spencer County Mutual Insurance Company,

1869.

for the purpose of insuring their respective dwelling-houses in the county of Spencer, and those counties that adjoin Spencer, against loss by fire, lightning, and tornado; and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend, in any court of record or other place whatsoever; may have and use a common seal; may make, establish, and put into execution such by-laws, ordinances, and resolutions, not being contrary to the laws of this State or of the United States, as may seem necessary for their government, and for the management of their affairs, as may be necessary to carry into full effect the purposes of this charter.

§ 2. All persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators, and their assigns, continuing to be insured in said corporation, as is hereinafter provided, shall hereby become members thereof during the period they may remain insured by said corporation, and no longer.

§ 3. The affairs of said company shall be managed by a board of directors, consisting of five members, as hereinafter provided. All vacancies happening in said board may be filled by the remaining directors for the remainder of the year for which they are elected; and a majority of the whole shall constitute a quorum for the transaction of business.

§ 4. The persons first named in this act shall be the first directors of said corporation, and shall continue in office for one year after the passage of this act, and until others shall be elected in their place, which board of directors shall hereafter be elected in each year at such time and place in the county of Spencer as the corporation, in their by-laws, shall appoint, of which election due notice thereof shall be given by the directors, by posters or otherwise, at least twenty days immediately preceding such election; and such election shall be made by the members or their proxies, by a plurality of votes, allowing to each member one vote for every one hundred dollars insured in said company. No person shall be an officer in the company who is not a member; and the board of directors, at their first meeting after the passage of this act, shall elect from among their number a president, secretary, and treasurer, who shall hold their offices one year, or until others are elected.

§ 5. This company shall not insure any dwelling for more than two thirds of its cash value; and in case of fire, accident by lightning or tornado, the company will not pay more than two thirds of the cash value at the time of such loss; nor shall the company have the right to assess or collect any money from any member of the company, unless there has been a loss in said company:

1869. *Provided, however,* They shall have the right to assess and collect, annually, not exceeding one fifth of one per cent. upon the amounts insured by each and every member to pay contingent expenses.

§ 6. Upon the application of any person to become a member of the company, and paying to the treasurer two dollars, any three of the directors shall go to his dwelling and make a survey, fix a valuation, and the amount of risk that the company will take, together with the *pro rata* rates the owner of the property shall pay when any loss to the company occurs; and if the parties agree, the directors shall report to the president, who shall issue his certificate of insurance, countersigned by the secretary, bearing date at what time the risk commences running, and when it shall expire, a copy of which shall be entered by the secretary and countersigned by the president in a book kept for that purpose.

§ 7. Every member of said company shall be, and hereby is, bound and obliged to pay his, her, or their portion of all losses and expenses happening or occurring in said company; and all buildings insured by and with said company, together with the right, title, and interest of assured to the lands on which they stand, shall be pledged to the company, and the said company shall have a lien thereon against the assured during the continuance of their insurance.

§ 8. In case of any loss or damage by fire, lightning, or tornado, happening to any member upon property insured in and with said company, the said member shall give notice thereof to the president or secretary within five days from the time such loss or damage may have happened; and any three of the directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of such loss or damage; and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the said party may bring an action against said company for said loss or damage at the next court holden in and for the circuit of Spencer, and not afterwards, unless said court shall be holden within sixty days after said determination; but if holden within that time, then at the next court holden in said county thereafter; and if, on the trial of such action, a greater sum be recovered than the amount determined upon by the said directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time such loss or damage happened, and cost of suit; but if no more shall be recovered than the amount aforesaid, the said party shall become non-suit, and the said company shall recover costs: *Provided, however,* That the judgment last mentioned

shall in nowise affect the claim of said suffering party to the amount of loss or damage as determined by the directors aforesaid: *And provided also*, That execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof.

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§ 9. The directors shall, after receiving notice of loss or damage by any member, and ascertaining the sum; or after the rendition of any judgment aforesaid against said company for loss or damage, settle and determine the sum to be paid by the several members thereof, as herein provided, as their respective portion of said loss, and give each of the members notice, in such a manner as they see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to their certificate of insurance, and shall be paid to the treasurer within thirty days next after said notice; and if any member shall, for the space of thirty days after receiving such notice, neglect or refuse to pay the sum assessed upon him as his portion of any loss, in such case the directors may sue for and collect the amount assessed, with cost and ten per cent. damages.

§ 10. No certificate of insurance shall be issued by said company until application shall be made for insurance, and agreement thereon, upon fifty thousand dollars' worth of property; nor shall the company take any risk upon any dwelling exceeding five thousand dollars, nor upon any dwelling for less than five hundred dollars; nor shall they take any risk or insure any dwelling within any city, or town, or village.

§ 11. This charter shall expire on the first day of January, 1900, and the Legislature reserves the right to modify or amend the same at any time.

§ 12. This act shall take effect from and after its passage.

Approved March 11, 1869.

CHAPTER 1937.

AN ACT to incorporate the Washington and Lee's Woods Turnpike Road Company, in Mason County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body corporate and politic be, and hereby is, created and authorized to be formed and organized, under the name and style of "The Washington and Lee's Woods turnpike road company, in Mason county;" and under that name and style it shall have perpetual succession; may have a common seal; may contract and be

1869. contracted with, sue and be sued, in all the courts of this Commonwealth.

§ 2. The object and business of said corporation shall be to construct, keep up, and maintain a turnpike road, from the Maysville and Lexington turnpike road, at Washington, in Mason county, out York street or other suitable way, to intersect the Maysville and Mt. Sterling turnpike road, at or near the fair grounds in Lee's woods, in said county.

§ 3. The capital stock of said company shall not exceed twelve thousand dollars, to be divided into shares of fifty dollars each.

§ 4. That books for the subscription of stock in said company may be opened at any time within two years after the passage of this act, at Washington, in Mason county, under the supervision of George Wood, Charles A. Marshall, John S. Forman, Charles L. Anderson, and James Mannen, or any three of them, who are hereby constituted commissioners for such purpose. The subscribers for stock in said company shall sign an obligation binding themselves, respectively, to pay to the president and directors of said company fifty dollars for each share of stock in said company subscribed by them. The number of shares so subscribed by each person shall be designated opposite each subscriber's name; and said subscriptions shall be made in a book in which said obligation shall be written. But said commissioners, or those acting, or said company after it is organized, may receive conditional subscriptions of stock in said company, which may be expressed in writing in any such subscriptions; and such subscriptions shall be valid and binding on the conditions therein stated. And said commissioners, or those acting, or said company after it is organized, may receive subscriptions of stock to said company in real estate, rock, lumber, or other personal property, or labor, which shall be valid and binding; and the amount in value of such subscriptions shall be expressed in the respective subscriptions; and if the property is not surrendered or delivered, or the labor performed, on the demand of said company, the value thereof in money, as expressed in the subscription, may be collected of the subscriber.

§ 5. As soon as three thousand dollars is subscribed to the stock of said company it may be organized; and to this end, the commissioners acting shall give notice to the subscribers of stock, by written notices posted at two or more public places in the town of Washington, for two weeks, of the election of officers of said company, which shall be five directors, one of whom shall be chosen by the directors as president. The time and place of such election shall be stated in the notice; and, after the first

election, the elections thereafter for said officers shall be on the first Saturday in April of each year. Each stockholder shall be entitled to one vote for each share of stock owned by him, which shall be cast in person or by proxy. No one but a stockholder shall be a director. The first election shall be under the supervision of the commissioners, or of those acting. The president and directors shall each take an oath faithfully to perform their duties as such, which shall be certified by the officer administering it, and filed with the papers of the company; and said officers shall serve until their successors are elected and qualified. If any vacancy occurs during the year by death, resignation, or removal from the State, the remainder of the directors may, if they deem it necessary, fill the vacancy.

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§ 6. The said company, after it is organized, may keep open the books for additional subscriptions of stock in said company. The Mason county court may subscribe stock in said company to an amount not exceeding one thousand dollars per mile, payable on the completion of each mile.

§ 7. The said company may appoint an engineer, treasurer and clerk, and prescribe their duties, and fix their compensation, and may remove them at pleasure. Said treasurer and clerk shall take an oath and give bond, with good security, to said company, honestly to account for all moneys that may come into their hands, and for the faithful performance of their duties, which bond and the certificate of such oath shall be filed and kept with the papers of said company. The said company may appoint a superintendent or agent to superintend the construction of said road, and its maintenance afterwards, and gatekeepers and such other employes as it may deem necessary.

§ 8. The said president and directors shall have power to pass any by-laws, rules and regulations, for their own government and the government of said company, its officers and affairs, that they may deem necessary, not inconsistent with this act, or with the Constitution of this State or of the United States.

§ 9. The said president and directors may let out for construction any portion of said road as soon as three thousand dollars is subscribed, or may do so after additional subscriptions are received; and they may go on letting out for construction and completing said road as the subscriptions of stock to said company may, in their opinion, justify them in so doing; and when said road is finished, they may erect a toll-gate and collect toll for traveling over the same; and if the whole length of said road is five miles or less, they may charge full toll for traveling same, according to the rates prescribed by the

1869. general law of this State regulating tolls on turnpikes; but for traveling less than the whole length of the road, they shall only charge toll in proportion to the distance traveled, and only for so much of said road as shall be completed and in good repair for traveling.

§ 10. The said company may receive releases of right of way for said road and ground for rock quarries and toll-houses, by consent or purchase; and if they deem it necessary, they may, by proceeding instituted in conformity with the existing laws of this State on the subject of turnpikes and plank roads (Revised Statutes, chapter 103), condemn lands for right of way, over which said road may be located, and ground for toll-gates, toll-houses, and rock quarries, just compensation being paid to the owners thereof, to be assessed by a jury empaneled for such purpose, according to law as aforesaid.

§ 11. The said road shall be not less than twenty-five nor more than fifty feet wide. Any person who shall unlawfully obstruct said road shall be subject to a fine of not less than five nor more than fifty dollars therefor, which shall, when collected, be for the use of said company, and shall be recoverable as other fines are recoverable by law. Said president and directors may pass by-laws fixing fines for a failure to pay toll, or for the evasion of toll on said road, which may be recovered as other fines of similar amount are recovered under the laws of this Commonwealth, and be for the use of said company.

§ 12. Said president and directors shall prescribe in what installments the subscriptions of stock shall be paid. They may borrow money for the use of said company, not exceeding three thousand dollars, and give personal security therefor, or a mortgage on said road and its franchises, which may be enforced and foreclosed.

§ 13. This act shall take effect and be in force from its passage.

Approved March 11, 1869.

CHAPTER 1938.

AN ACT to incorporate the Upper Blue Lick Turnpike Road Company, in Mason County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body corporate and politic be, and hereby is, created and authorized to be formed and organized, under the name and style of "The Upper Blue Lick turnpike road company, in Mason county," and under that name and style it shall have perpetual succession; may have a common seal; may contract and be contracted

with, sue and be sued, in all the courts of this Commonwealth.

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§ 2. The object and business of said corporation shall be to construct, keep up, and maintain a turnpike road from the Helena and Mayslick turnpike, near Aaron Mitchell's farm, towards the city of Maysville, and to connect with the Maysville and Lexington turnpike road, or with the Maysville and Mt. Sterling turnpike road, as the said company may deem most advisable.

§ 3. The capital stock of said company shall not exceed fifty thousand dollars, to be divided into shares of fifty dollars each.

§ 4. That books for the subscription of stock in said company may be opened at any time within two years after the passage of this act at Maysville, at Lewisburg, and Helena, and other places in Mason county, under the supervision of Alexander Rader, Charles A. Marshall, George Wood, Charles L. Anderson, John Gabby, Aquilla Chamberlain, and James M. Mitchell, or any three of them, who are hereby constituted commissioners for such purpose. The subscribers for stock in said company shall sign an obligation, binding themselves respectively to pay to the president and directors of said company fifty dollars for each share of stock in said company subscribed by them. The number of shares so subscribed by each person shall be designated opposite each subscriber's name; and said subscriptions shall be made in a book, in which said obligation shall be written. But said commissioners or those acting, or the said company after it is organized, may receive conditional subscriptions of stock in said company, conditioned upon the route which said road may take, and on the point at which it may strike the Maysville and Lexington or Maysville and Mt. Sterling turnpike road company, or upon any other conditions which may be expressed in writing in any such subscriptions; and such subscriptions shall be valid and binding on the conditions therein stated. And said commissioners or those acting, or said company after it is organized, may receive subscriptions of stock to said company in real estate, lumber, rock, or other personal property or labor, which shall be valid and binding; and the amount in value of such subscriptions shall be expressed in the respective subscriptions; and if the property is not surrendered or delivered, or the labor performed, on the demand of said company, the value thereof in money, as expressed in the subscription, may be collected of the subscriber.

§ 5. As soon as five thousand dollars is subscribed to the stock of said company it may be organized; and to this end, the commissioners acting shall give notice to the

1869. subscribers of stock, in some newspaper published in Maysville, Kentucky, by two weekly insertions, of the election of officers of said company, which shall be five directors, one of whom shall be chosen by the directors as president. The time and place of such election shall be stated in said notice; and, after the first election, the elections thereafter for said officers shall be on the first Saturday in April of each year. Each stockholder shall be entitled to one vote for each share of stock owned by him, which may be cast in person or by proxy. No one but a stockholder shall be a director. The first election shall be under the supervision of the commissioners, or of those acting. The president and directors shall each take an oath faithfully to perform their duties as such, which shall be certified by the officer administering it, and filed with the papers of the company; and said officers shall serve until their successors are elected and qualified. If any vacancy occurs during the year by death, resignation, or removal from the State, the remainder of the directors may, if they deem it necessary, fill the vacancy.

§ 6. The said company, after it is organized, may keep open the books for additional subscriptions of stock in said company. The Mason county court may subscribe stock in said company to an amount not exceeding one thousand dollars per mile of said road, payable on the completion of each mile.

§ 7. The president and directors may appoint an engineer, treasurer, and clerk, and prescribe their duties, fix their compensation, and may remove them at pleasure; said treasurer and clerk shall each take an oath and give bond, with good security, to said company, to honestly account for all moneys that may come into their hands, and for the faithful performance of their duties, which bond and the certificate of such oath shall be filed and kept with the papers of said company. The said president and directors may appoint a superintendent or agent to superintend the construction of said road, and its maintenance afterwards, and gate-keepers, and such other employes as they may deem necessary.

§ 8. The said president and directors shall have power to pass any by-laws, rules and regulations, for their own government and the government and conduct of said company, its officers and affairs, that they may deem necessary, not inconsistent with this act, or with the Constitution of this State or of the United States.

§ 9. The said president and directors may let out for construction any portion of said road as soon as five thousand dollars is subscribed, or may do so after additional subscriptions are received, first determining whether it shall intersect the Maysville and Lexington turnpike road,

or the Maysville and Mount Sterling turnpike road, and about the point which it shall strike such road; and they may go on letting out for construction and completing said road as the subscriptions of stock to said company may, in their opinion, justify them in so doing. And as soon as two and a half miles of said road are completed, they may erect a toll-gate, and collect toll for that portion of said road. The charges for toll on said road shall be in conformity with the general law of this State regulating tolls on turnpikes; and they shall only be authorized to charge toll on said road in proportion to the distance traveled, and only for so much of said road as shall be completed and in good repair for traveling.

§ 10. The said company may receive releases of right of way for said road, and ground for rock-quarries and toll-houses, and bridges, by consent or purchase; and, if they deem it necessary, they may, by proceeding instituted in conformity with the existing laws of this State on the subject of turnpikes and plank roads (Revised Statutes, chapter 103), condemn land for right of way over which said road may be located, and ground for toll-gates, toll-houses, and bridges and rock-quarries, just compensation being paid to the owners thereof, to be assessed by a jury empaneled for such purpose, according to law, as aforesaid.

§ 11. The said road shall be not less than twenty-five nor more than fifty feet wide. Any person who shall unlawfully obstruct said road shall be subject to a fine of not less than five nor more than fifty dollars therefor; which shall, when collected, be for the use of said company, and shall be recoverable as other fines are recoverable by law. Said president and directors may pass by-laws fixing fines for a failure to pay toll, or for the evasion of toll, on said road; which may be recovered as other fines of similar amount are recovered under the laws of this Commonwealth, and be for the use of said company.

§ 12. Said directors and president may prescribe in what installments the subscriptions of stock shall be paid. They may borrow money for the use of said company, not exceeding five thousand dollars, and give personal security therefor, or a mortgage on said road and its franchises, which may be enforced and foreclosed.

§ 13. This act shall take effect and be in force from its passage.

Approved March 11, 1869.

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CHAPTER 1939.

AN ACT to incorporate the Butler and Pribble's Cross-roads Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, created, under the name and style of the Butler and Pribble's Cross-roads turnpike road company, which shall be a body-politic and corporate, for the purpose of constructing a turnpike road on the McAdams plan, from the north bank of Licking river, opposite the town of Butler, in Pendleton county, to intersect with the Foster and Boston turnpike road at or near Pribble's Cross-roads, in Pendleton county, upon such route as the president and directors shall select. They shall have the power, and it shall be their duty, to call to their aid some competent engineer, in the location of said road.

§ 2. The capital stock of said company shall be ten thousand dollars, and may be increased to fifteen thousand dollars, to be divided into shares of fifty dollars each.

§ 3. The books shall be opened at convenient places for subscription of stock in said company, under the direction of John B. Pribble, Jackson Ducker, R. F. Shaw, ——— Clifford, and Dr. J. C. Bonar, of Pendleton county, Kentucky, any one of whom may procure a book or books in which the subscribers of stock in said company shall enter into the following obligation: "We, whose names are hereto subscribed, do respectively promise to pay to the Butler and Pribble's Cross-roads turnpike road company the sum of fifty dollars, for each and every share of stock in said company set opposite our names, in such manner and proportions, and at such times, as shall be required by the president and directors of said company."

§ 4. The book or books shall be opened as soon as said commissioners shall deem proper, and remain so until the whole capital stock, or enough thereof to complete the road; shall have been subscribed.

§ 5. As soon as six thousand dollars of stock shall have been subscribed in good faith, by responsible persons, it shall be the duty of said commissioners, or some one of them, to give notice of a meeting of the stockholders of said company, at some convenient point, for the purpose of electing officers, which shall be given by notices in writing, put up—one at Butler, and two at the most public places on or near the line of the contemplated road—for at least ten days previous to the meeting; and at said meeting, at least two of said commissioners must be present to superintend the election. There shall be elected a president and five directors, who shall hold their offices for one year from the day of their election, and until

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their successors are elected and qualified. The said directors shall elect a treasurer and such other officers as they deem necessary; and said treasurer shall, before entering upon the duties of his office, execute bond, with security approved by the directory, to the effect that he will perform the duties of his office, and whenever a demand is made upon him by the directory, or their authorized agent, pay over any and all sums of money that may be in his hands as treasurer.

§ 6. Stockholders, at all elections, shall be entitled to one vote for each share of stock in said company, which vote or votes may be given in person or by proxy in writing.

§ 7. It shall be lawful for the president and directors, with their superintendents, engineers, and workmen, with their tools, instruments, carts, wagons, and other carriages, and their beast of draught and burden, to enter upon the land in and over, contiguous, and near to which said road shall pass, having first given notice of their intention to the owners or occupiers thereof, or their agent: *Provided*, That if the president and directors shall not agree with the owners of said land over or through which said road is to pass, as to damages the owner or owners may sustain by reason of the road passing through their land, the president and directors shall apply to the county court of the county in which said lands are situated for a writ of *ad quod damnum* to assess the damages which may be sustained by the owners of said land; and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry away gravel or other materials necessary for the construction or repairing said road, after paying the owner the full value of the same.

§ 8. The president and directors shall severally take an oath faithfully to discharge the duties of their respective offices to the best of their abilities.

§ 9. That said president and directors may put said road under contract whenever, in their judgment, a sufficient amount of stock has been subscribed to justify the same.

§ 10. The county court of Pendleton county, a majority of the justices concurring therein, may take stock in said road; and to pay for the same, may levy a tax on each hundred dollars' worth of property in said county subject to taxation as will be sufficient for that purpose.

§ 11. The grade on said road shall not exceed four degrees, and the stone on the same shall not be more than fourteen feet wide, and an average of nine inches deep. The width of the road outside of the metal on the same shall be left to and in the discretion of the directors of said road.

1869. § 12. That the president and directors of said road, when the same is completed, shall, with the aid of some competent person or engineer, view said road and report to the Pendleton county court the quality and condition of said road; and said county court, upon hearing said report, if it appears that said road has been constructed according to law, the court shall make an order authorizing the erection of gates and the collection of tolls in pursuance of the rates established by law.

§ 13. That the president and directors shall have power to let out said road to contractors, on such terms and in such portions as they may deem beneficial to the interests of the company.

§ 14. Said company may sue and be sued, shall plead and be impleaded, contract and be contracted with, and in all litigations shall be dealt with as a natural person.

§ 15. That any of the stockholders in said road failing to pay their calls when due, shall be subject to suit in any of the courts of this Commonwealth having jurisdiction of the matter in controversy; they shall likewise pay interest at the rate of ten per cent. per annum thereon until paid.

§ 16. It shall be the duty of the president and directors to keep a record of their proceedings in a well-bound book, and the same shall be open to inspection by the stockholders of said road at all times.

§ 17. This act shall take effect and be in force from its passage.

Approved March 11, 1869.

CHAPTER 1940.

AN ACT to incorporate the Monterey and Cedar Creek Turnpike Road Company, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated, by the style and name of the Monterey and Cedar Creek turnpike road company, for the purpose of constructing a macadamized road from Dennis Burns', on the Kentucky river, near the mouth of Cedar creek, in Owen county, and to run up said creek to the Scott county line, at or near the terminus of the road leading from Oby Calvert's, in Scott county, to the head waters of Cedar creek; by the said name said company may sue and be sued, hold, acquire, and sell, any property, real or personal, necessary for the construction of said road; and may contract and be contracted with, and have and use a common seal.

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§ 2. The capital stock of said company shall not exceed fifty thousand dollars, to be divided into shares of fifty dollars each; and each share shall entitle the holder to one vote at any meeting or election held by the stockholders.

§ 3. That Pad. Burns, James Walker, Henry Walker, John Greenweel, Thomas Ford, James Duvall, John W. Foster, Holman Tacket, John Smith, John Hayden, John Plumer, are hereby appointed commissioners, any two of whom may open books and receive subscription of stock to the capital stock of said company, at such times and places as they may designate; and when four thousand dollars of stock is taken they shall call a meeting of the stockholders, after having given a reasonable notice of the time and place of the meeting, for the purpose of organizing said company by the election of a president and four directors of said company. A majority of said stockholders shall be competent to hold said election. The said president and directors shall hold their offices until their successors are elected and qualified. They shall have power to appoint a secretary and treasurer of said board, a majority of whom shall be competent to act in all matters authorized by this act to be done by the president and directors of said company. The management of the fiscal and prudential affairs of said company shall be confided to said president and directors, and their successors in office, to be chosen annually, at such time and place as the said board may direct, ten days' notice of which shall be given by public advertisement. The board shall continue in office until their successors are elected and qualified. The said board may fill any vacancy therein that may occur. No person shall be a member of said board unless he be a stockholder in said company, and resides in Kentucky.

§ 4. The said board shall have power to appoint gatekeepers, and remove them at will; also to take from the treasurer bond, with good security, for the faithful performance of his duties, and to remove the treasurer and secretary at will.

§ 5. The said road shall not be less than forty feet wide; the width of the grade be no less than sixteen feet wide, and the grade shall not exceed five degrees in any part thereof. The said board shall have the right, when two and a half miles of said road is completed, to charge half toll thereon. The said company shall not receive greater rate of toll than that now fixed by the general laws of this State.

§ 6. That the said board shall have the right to acquire the right of way for said road, and of any earth, stone, or timber, or grounds for toll-houses, by voluntary release or contract: *Provided*, if that cannot be done voluntarily,

1869. they may, in the name of the said company, have the same condemned by a writ of *ad quod damnum*, sued out of the Owen county court.

§ 7. This act to take effect from its passage.

Approved March 11, 1869

CHAPTER 1941.

AN ACT to incorporate the Mt. Vernon and Boone's Gap Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed for the purpose of building a turnpike road from Mt. Vernon to the Madison county line, at or near Boone's Gap.

§ 2. The capital stock of said company shall be twenty thousand dollars, to be increased or diminished at the pleasure of the company, and to be divided into shares of fifty dollars each.

§ 3. Books of subscription shall be opened by William M. Fish, J. J. Williams, William Stewart, R. D. Cook, James Huff, John M. Fish, E. W. Baker, W. A. Brooks, and Sylvester Stores, who are hereby appointed commissioners for that purpose; at such time and place as they may deem proper they shall open a book or books, and the subscribers therein shall sign an obligation in the following form: "We, whose names are hereunto subscribed, respectively promise to pay to the Mt. Vernon and Boone's Gap turnpike road company the sum of fifty dollars for each share of stock set opposite our names, in such proportions and at such times as shall be determined by the president and directors of said company: *Provided, however,* That the sum of each subscriber's stock, or any part thereof, may be paid in work on said road, subject to such regulations as the board of directors may establish.

§ 4. When the sum of twenty-five hundred dollars shall have been subscribed to the capital stock, it shall be the duty of the commissioners named to give notice, in such manner and at such time as they may think proper, of a meeting of the stockholders, at such time and place as the notice may designate, for the purpose of electing a president and five directors; one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year, and until their successors are qualified; the time and place of election after the first shall be fixed by the president and directors; a majority of the board shall be competent to do business.

§ 5. So soon as the company is organized by an election of officers, the president and directors shall be a body-pol-

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itic and corporate, in fact and law, by the name and style of the Mt. Vernon and Boone's Gap turnpike road company, with the privileges and franchises of a corporation; shall be capable of holding their capital stock, and the increase and profits thereof; and holding, by gift, purchase, or otherwise [every thing] necessary or proper for the prosecution of their work or the object of this corporation; they shall have power to contract and be contracted with, sue and be sued, in all courts of law and equity; also to have and use a seal, and generally to do all and every act or thing lawful for a corporation to effect the object for which said corporation was created.

§ 6. Said corporation shall fix and regulate the grade and width of said road, and its covering with stone or gravel; may designate the place for toll-gates, fix the rates of toll, and regulate and change the same, but such rates shall not exceed those fixed by general law; they shall have power, after two miles of the road is completed, to erect a gate and collect tolls, and apply the same to the completion of the road.

§ 7. It shall be lawful for the officers and employes of the company, with their tools and appliances, to enter upon the lands over and contiguous to which the intended road shall pass, having first given notice to the owners or occupants thereof; they shall have power to take and receive the right of way over and through the lands where said road shall be located. If, in any instance, they cannot procure the right of way by an agreement with the owner or owners of lands through which said road is to pass, then the president shall apply to the Rockcastle county court for a writ of "*ad quod damnum*," to assess the damages which may be sustained; and upon the payment or the tender of damages assessed, it shall be lawful for the company to open and make said road, and do all the work pertaining thereto.

§ 8. The president and directors may appoint, annually, such officers as they deem necessary, with such compensation as they may deem just; the treasurer shall give bond and security in such sum as they may deem proper, conditioned to pay over all moneys in his hands to the order of the board.

§ 9. This act to take effect from and after its passage.

Approved March 11, 1869.

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CHAPTER 1942.

AN ACT to amend and to reduce into one the acts incorporating the Town of Louisa.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary of town.

§ 1. That the boundary of the town of Louisa, in Lawrence county, shall be the same as now prescribed by law.

Who to manage affairs.

§ 2. The fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in one principal officer, to be styled the Chairman of the Board of Trustees of Louisa, and six trustees, all of whom shall be elected annually in the manner hereinafter provided, for a term of one year, and shall continue in office until their successors are duly qualified.

Chairman and board to take oath.

§ 3. That the chairman and trustees shall, before entering upon the discharge of their duties, take and subscribe an oath (in addition to the oath or affirmation prescribed by the Constitution) before a justice of the peace, or some person authorized to administer oaths, that they will faithfully and impartially discharge all the duties of their respective offices, which oath, with the certificate of the justice, shall be filed with the papers of the town. If the chairman or any trustee shall fail or refuse to qualify within twenty days from his election, he shall thereby vacate his office, and the trustees who have qualified shall declare his office vacant, and proceed to appoint some other person in his place; but if not more than two of the persons elected trustees have qualified within the time prescribed above, then the former board of trustees shall fill, by appointment, the vacancies occurring by such failure. If there is a vacancy in said office by reason of anything other than above mentioned, it shall be filled by the then acting trustees; and any person appointed under this section shall hold his office until the next annual election, and until his successor be duly qualified, and shall have and exercise the same rights and powers as if he had been elected at the regular election.

Vacancies, how filled.

Term of office.

Quorum, meetings, &c.

Chairman to preside; his powers.

§ 4. The chairman and the majority of the trustees shall constitute a quorum for the transaction of business; and they may regulate by ordinances and by-laws the times and places of their meetings. The chairman shall preside over the meetings of the trustees (which in all cases must be public), and shall give the casting vote when there shall be a tie; he may enforce good order at such meetings, and the attendance of the trustees by fine, not exceeding five dollars; and, in his absence, the trustees may elect one of their own number to act as chairman *pro tempore*, who shall, in addition to his vote as trustee, have all the powers, for the time, that are here-

in granted to the chairman. The chairman may appoint all necessary committees among the trustees, and compel them to serve on the same and perform their duties, by fine not exceeding five dollars.

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§ 5. The said board of trustees shall have power to make such rules, regulations, by-laws and ordinances, for the purpose of maintaining the peace, good order, and government of the town, and the trade, commerce, and manufactures thereof, as the board may deem expedient, not repugnant to the Constitution of the State and the laws made in pursuance thereof, and to enforce the observance thereof by fine not exceeding one hundred dollars for any one offense, except as herein provided; and to make all ordinances which shall be necessary and proper for carrying into effect the powers vested by this act in the corporation, the town government, or any department or office thereof.

May pass by-laws, &c.

§ 6. The board of trustees shall have power, within the limits of the town, in addition to the other powers granted by this charter—

First. To appropriate money and provide for the payment of the debts and expenses of the town.

May appropriate money.

Second. To make regulations to prevent the introduction or spreading of contagious or infectious diseases in the town; to pass quarantine laws for that purpose, and to enforce the same in the town and within a half mile of the outside limits of the town.

Contagious diseases.

Third. To establish hospitals and pest-houses, and make regulations for the government of the same.

Hospitals, &c.

Fourth. To make regulations to secure the general health of the inhabitants of the town.

Health.

Fifth. To provide the town with water; to erect hydraulics, fire-plug cisterns, wells and pumps, in the streets, within the limits of the town, for the convenience of the inhabitants of the town and its environs.

Water, &c.

Sixth. To establish, erect, and keep in repair bridges, culverts, and sewers, and regulate the use of the same; to erect dams, and cover them over when the interest of the public require it.

Erect bridges, &c.

Seventh. To establish, support, and regulate policemen, night-watches, patrols, and prescribe their duties and compensation.

Policemen, &c.

Eighth. To provide for the erection and repair of all needful public buildings for the town, and to provide for inclosing and improving all public grounds belonging to the town.

Public buildings.

Ninth. To suppress gaming, drunkenness, gambling-houses, and disorderly houses of all kinds.

Suppress gaming, &c.

Tenth. To provide for appointment of all officers, servants, or agents of the town not otherwise provided for,

Appoint officers, &c.

1869. and fix compensation and fees for their services, and the duration of the terms of their offices.

Compensation
of officers, &c.

Eleventh. To fix the compensation of all town officers, and provide for and regulate pay and fees of jurors, witnesses, and others, for services rendered under this act or any ordinance of the town; to erect a work-house, poor-house, and house of correction, and to provide for the regulation and government thereof, and to otherwise provide for the poor of the town.

Prevent riots,
&c.

Twelfth. To prevent or restrain any riot, rout, noise, disturbance, or disorderly or unlawful assembly, in any street or other place in said town, or any breach of the peace therein, and to provide for the arrest and confinement, and trial and punishment, of the parties engaged or taking part in the same.

Prevent en-
croachments
upon streets,
&c.

Thirteenth. To prevent and remove any and all encroachments into or upon or over any street, alley, sidewalk, lane, avenue, or public square heretofore existing or established under the charter or by ordinance, and to exercise complete and perfect control over all public squares or commons belonging to the town, and over all property, real or personal, belonging to the town, lying within or beyond the limits of the town.

Appoint cer-
tain officers,
prescribe their
duties, &c.

Fourteenth. To appoint and remove at pleasure, and to prescribe the duties, compensation, and fees of the following officers, agents, and servants of the town: warden or keeper of the work-house and house of correction, keeper of the poor-house, keeper of the pest-house, superintendent of the hospital, town physician, market-master, inspector, gaugers, sextons, weighers, and measurers.

Prevent break-
ing horses in
town.

Fifteenth. To provide for the prevention of training or breaking horses or exhibiting stallions in the public streets and places of the town, or standing them within the limits of the same.

Vicious or
diseased ani-
mals to be re-
moved.

Sixteenth. To provide for the removal from the limits of the town, or killing of mischievous, vicious, or diseased animals, and for the punishment by suitable fines and penalties of the owner or keeper of such animals, for allowing them to go at large.

Tax dogs.

Seventeenth. To tax all dogs kept within the limits of the town, in any sum not exceeding ten dollars per annum, and to pass ordinances to provide for the killing of all such dogs upon which, the taxes are not paid, or for fining the owners thereof.

Abate nui-
sances, &c.

Eighteenth. They shall have the right to prevent or abate and remove nuisances at the cost and expense of the owners or occupiers, or of the parties upon whose grounds they exist: *Provided, however,* That if the thing complained of as nuisance be in the nature of a permanent improvement or structure of the value of more than twenty dollars, or if

the actual damage accruing to the owner from such abatement or removal, or cost or expense attendant on the abatement or removal, exceed said sum, the person in actual possession of the property, if a resident of Lawrence county, shall be notified in writing that a motion will be made at a meeting of the said board of trustees to declare the thing complained of a nuisance; which notice shall state the time and place of the meeting, describe the thing proposed to be declared a nuisance; shall be signed by the chairman or one of the trustees, and may be served as notices are served under provisions of Civil Code; and if the thing complained of be declared a nuisance at the meeting mentioned in the notice, or at any meeting adjourned therefrom, and if the same is not abated or removed by the owner or occupier of the land within twenty-four hours therefrom, the chairman and board of trustees may cause such nuisance to be removed or abated at the cost and expenses of the owner or occupier, or both, of the land; but if the person actually in possession of the land be not a resident of the county, the board of trustees of the town of Louisa may proceed to remove or abate the nuisance, without any such notice, at the cost and expense of any such parties. Said board shall have the power to define and declare, by ordinance, anything already existing, or what shall be a nuisance within the limits of the town; and to punish by fine any person for keeping, causing, erecting, or committing a nuisance, in any sum not exceeding (\$250) two hundred and fifty dollars.

§ 7. The board of trustees shall have power to purchase lands for and locate cemeteries, either within the town limits or elsewhere in Lawrence county; sell the lots within the same, and appropriate the moneys arising from said sales to the benefit of the cemeteries or of the town; and they shall exercise full and complete control over any cemeteries that the town may now have, or may hereafter purchase; and have power to erect and keep in repair public vaults at the expense of the town.

May establish
cemeteries.

§ 8. They shall have power to prevent by ordinance any obscene, vulgar, or bawdy language, and any indecent practices, exposures, or act, in any public places within the limits of the town; and may punish, by suitable fines or penalties, any person so offending.

May prevent
obscene lan-
guage, &c.

§ 9. They shall have the power to prevent the introduction in the town, or within one mile of the limits, of any person who is a pauper, or who is likely to become a charge upon the town or county from disease, old age, or any other cause, and punish by fines, in any sum not exceeding one hundred dollars, any person so offending, and return the pauper, or the person likely to become a charge

In relation to
paupers.

1869.

1869. upon the county, at the cost and expense of the person or persons so offending.

May establish
free schools.

§ 10. They shall have power to establish free schools in said town, to furnish rooms for the same, and make appropriations and receive donations for such purposes, and govern the same, under such rules and regulations as they may make.

Police Court.

Police court,
judge to be
elected, quali-
fications. &c.

§ 11. There shall be established in said town a court, to be styled a police court of Louisa, which shall be held by the judge, who shall be called the police judge of Louisa, and shall be elected by the qualified voters, at the same time, in the same manner, for the same term, and have the same qualifications, as county judges. He shall, before entering upon the discharge of his duty, in addition to the oaths prescribed by the Constitution, take the oath prescribed for circuit judge; and on failure for twenty days so to do, his office shall be declared vacant by the board of trustees.

Exclusive
jurisdiction of
police court.

§ 12. Said court shall have exclusive jurisdiction in all prosecutions for violations of the ordinances of said town, the jurisdiction of all pleas of the Commonwealth arising within the limits of said town, or within one mile of the corporate limits thereof, except cases of felony. It shall have power to take recognizances from persons charged with offenses cognizable before said court, to appear and answer, the same that circuit courts have, and like power to forfeit the same, and shall proceed in the same way thereon that circuit courts are directed to proceed. It may commit persons to the jail or work-house in default of bail, and shall have all the powers for all the arrests, trial, conviction, and punishment of persons, for all the offenses over which it has jurisdiction, that are given the several courts of this State having jurisdiction over like offenses; and may proceed in the same way for the trial of such offenses; and may inflict the fines and punishments, and enforcement of the collection of same, as such courts are authorized by law to do.

Original and
concurrent ju-
risdiction of
police court.

§ 13. Said police court shall have original and concurrent jurisdiction of all cases of riots, routs, unlawful assemblies, assaults, batteries, affrays, or other breaches of the peace, committed within the limits of said town, or within one mile of the corporate limits thereof. It shall also have original and concurrent jurisdiction over all cases of larceny of goods, chattels, or other things of less value than four dollars, committed within the limits of said town, and over all cases of vagrancy therein, or within one mile of the corporate limits thereof.

§ 14. It shall have concurrent original jurisdiction with the justices of the peace of Lawrence county in the jus-

tices' district in said district in which said town is situated, in all civil cases and proceedings.

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§ 15. There shall be a quarterly term of said court, to begin on the third Mondays in April, July, October, and January, in each year, and held as many days as the business of the court may require; but said court may be held at any time for the trial of criminal cases and cases for breaches of town ordinances; and the provisions of the Criminal Code, except where inconsistent with this act, shall apply to proceedings in all such cases; where a person is brought before said court charged with an offense over which it has jurisdiction, but which requires an indictment, the court may either order a grand jury to be summoned at once, and if they return an indictment, proceed with the trial as soon as may be at that term of the court, or it may set as an examining court; and if the defendant or defendants are held for further trial, it may hold him to bail for his appearance before the court upon some subsequent day, which day shall not be beyond the first day of the next succeeding quarterly term.

Terms of said court.

§ 16. Said court shall have power and authority to cause a grand jury to be summoned as directed in title seventh of the Criminal Code, and shall empanel and swear the same, whenever business may require it or render it proper, and provide for paying the same; it shall also have power to summon petit juries, whenever necessary, and provide for paying same. The court may continue a cause to any future day; and whenever any grand jury may return into said court an indictment or presentment, the court shall have power and authority to set any such cause for trial on that or some subsequent day, and issue the necessary process, returnable to such day as the cause may be set for trial.

May cause grand jury to be summoned, &c.

§ 17. Said court may issue a *capias pro fine* on all its judgments in cases for breach of the ordinances of said town; and in such cases the court may enter a judgment specifying that the person convicted shall be confined at labor in the work-house, or forced to work under the regulations of the board of trustees until the fines assessed against him and the cost of the prosecution are discharged, at the rate of one dollar per day: *Provided, however,* That the person so arrested and confined shall, by paying the full amount of said fine and cost, be discharged from custody.

May issue *capias pro fines*, &c.

§ 18. Said police judge shall be commissioned by the Governor, and be a conservator of the peace, and he may order arrest for all offenses against the laws of the State or ordinances of the town of Louisa; and for those committed in his presence, he may order arrest without warrant, the person offending to be dealt with according to

Judge to be commissioned, conservator of the peace, &c.

1869. the laws of the State or ordinances of the town. He may administer oaths, take depositions in all cases, issue and try writs of *habeas corpus*, and grant injunctions in same manner, under same restrictions, and in the same cases, that county judges are now authorized to grant them; and he shall have the same civil jurisdiction in all cases as is conferred on justices of the peace.

Judge to be his own clerk, but may appoint deputy.

§ 19. Said judge shall be his own clerk; but it shall be lawful for him to appoint a deputy as clerk, who may perform all his duties as clerk of said court. Said clerk shall be called the deputy clerk of the police court of Louisa, and shall possess the same qualifications, and take the same oath, before he enters upon the duties of his office, as is required by law of a deputy clerk of a court.

Who to hold court in absence of judge, &c.

§ 20. Whenever, from any cause, the judge of said court fails to attend the court, or if in attendance, cannot properly preside in a cause or causes pending in said court, the presiding judge of the Lawrence county court, or any justice of the peace for Lawrence county, shall preside in his place; and the person so presiding shall, during the period that he acts, have all the powers, and be liable to all the responsibilities, of the police judge, and shall receive all fees accruing during said period; and any of said officers may, at any time, issue a summons, warrant of arrest, or subpœna, and make the same returnable before said court, which summons, warrant, and subpœna shall be executed and returned in the same way, and have the same force and effect, and the person upon whom they are executed be dealt with the same, as if they had been issued by the court while regular sitting. If no court is held on the day any summons or warrants are made returnable, and the same is not during a regular term, the case shall be considered as, and be by operation of law, continued until the next regular term.

Appeals may be had, &c.

§ 21. Appeals from judgments of said police court shall lie in all civil cases, unless otherwise provided for, to the Lawrence quarterly court, to which shall also lie all appeals from its judgments for breaches of the ordinances of said town, where the penalty or forfeiture set forth in the ordinances exceeds ten dollars, and does not exceed fifty dollars; and in all pleas of the Commonwealth, except in cases of vagrancy and larceny, where the full penalty imposed by law does not exceed fifty dollars, and imprisonment for fifteen days; and said appeals and proceedings therein, except as herein provided, shall be governed by the general laws regulating appeals from justices' courts to quarterly courts. In all other cases (except for breach of ordinance where the fine is less than ten dollars) an appeal from the police court shall lie to the Lawrence circuit court, and said appeals and pro-

ceedings thereon shall be governed by the general laws, except as herein provided, regulating appeals from inferior courts to the circuit court. If the judgment appealed from to either of said courts be in a case of vagrancy or larceny, or in a case where the judgment may specify that the defendant may or shall be imprisoned, there shall be executed, in addition to the bond now required by law, before the clerk of the court appealed to, a penal bond in a sum fixed by the clerk of the court appealed to, and with sureties approved by him, conditioned that the defendant will, at all times, render himself amenable to the orders and process of the court appealed to in the prosecution of the charge, and if convicted, will render himself in execution thereof. Upon the execution of such bonds the defendant, if in custody, shall be discharged therefrom. 1869.

§ 22. The fines and forfeitures recovered in the said police court in the name of or in favor of the Commonwealth of Kentucky, in cases arising in said town, or within one mile of the corporate limits thereof, or in the name of the town of Louisa, are hereby granted to the town of Louisa. Fines to be for benefit of town.

§ 23. It shall be the duty of the county attorney for Lawrence county to prosecute all pleas of the Commonwealth in said court, or prosecutions in the name of the town of Louisa; and he shall receive the same fees in such cases, and the same percentage of the fines, penalties, and forfeitures imposed in the same, as are given by law to county attorneys, or to attorneys for the Commonwealth for similar services. County attorney to prosecute.

§ 24. Said court shall be a court of record, and all copies of papers or records on file with the judge shall, when duly attested by him or the deputy, be received as evidence in all cases when the originals would be evidence; but nothing herein shall prevent any court from having the original record produced and brought to court by the proper process. To be a court of record.

§ 25. The fees of said judge, whether acting as judge, clerk, or otherwise, shall be the same in all cases as are now or may hereafter be given by law to officers performing like services; and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in courts having similar jurisdiction. Fees of judge, clerk, &c.

Marshal.

§ 26. A marshal shall be elected by the qualified voters of said town, at the next regular August election, to hold his office for two years and until his successor is elected and qualified, which marshal shall be called the marshal Marshal to be elected, term of office, give bond, &c.

1869. of Louisa; and he shall enter on the discharge of his duties on the first Monday in September next after his election; he shall, however, before so doing, execute a bond before said board of trustees, with one or more sureties, which shall be approved by said board, in substance as follows: We, ———, marshal of the town of Louisa, and ———, his sureties, jointly and severally bind and oblige ourselves to the Commonwealth of Kentucky, that the said ———, as marshal of the town of Louisa, shall well and truly execute, and due return make, of all process and precepts to him directed and to him delivered, and all notices and orders of justices, or other tribunals, given him to execute, and will pay and satisfy all sums of money by him received upon any process or precept, or any note, account, fee bill, taxes of the town of Louisa, fines, or other claims placed in his hands for collection, to the person entitled thereto, and in all other things shall faithfully discharge all the duties of said office during his continuance therein. He shall also, previous to entering upon his said duties, beside the oath prescribed by the constitution, take an oath before the said board that he will do right, as well to the poor as the rich, in all things belonging to his said office; that he will do no wrong to any man for any gift or reward, nor for favor or hatred, and in all cases that he will truly and faithfully execute the duties of his office according to the best of his knowledge and power. It shall be noted on the records of the town that such bond and oath had been taken, and they shall be filed with the papers of the town.

Bail may be
instituted on
bond.

§ 27. Any person injured by a breach of the said bond may, in any court having jurisdiction, prosecute, on motion thereon, in their own names and at their own cost, against the marshal and his sureties, in the manner now prescribed by law for proceedings against sheriffs or constables in cases of delinquency or breach of official duty.

Additional
security may be
required.

§ 28. The board of trustees may, at any time, notify said marshal to give additional security in his bond, which notice shall be served as notices are directed to be served under Civil Code; and they may, upon his failure so to do within five days after such notice, declare his office vacant. If the marshal shall fail to execute bond, or take said oath, for twenty days after he, by this act, enters upon the discharge of his duties, the board of trustees may declare the office vacant.

Powers and
duties of mar-
shal.

§ 29. Said marshal shall be a peace officer, and shall possess all the power to arrest persons charged with offenses, and to execute, within Lawrence county, in criminal cases, all writs, process, warrants, and orders to take bail, which is now or may hereafter be given to

sheriffs or other peace officers; and he shall be entitled for his services to the same fees which such officers are respectively entitled. He shall attend all meetings of the board of trustees and all sittings of said police court, and preserve order and act as a crier at the same. He shall have power to levy and execute all process, executions, or judgments, civil or criminal, which issue out of said court; and shall have the same powers to collect claims, fee bills, etc., and to act in all civil cases, and to execute all process and executions in said county, as are now or may hereafter be given by law to constables; and he and his sureties shall be responsible for the proper execution of all process and the collection of all claims put into his hands, and for his official acts, in the same way and to the same extent that sheriffs and constables are now responsible. It shall be his duty to execute all ordinances of the said board, passed in pursuance of the powers herein granted them, whenever acts or duties are specifically presented for him to perform; and he shall report to the police judge all infractions of the ordinances of said town, and all misdemeanors or felonies committed within said town, of which he may receive information.

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§ 30. The marshal may be appointed collector of said town; and if no collector is appointed on or before the first day of May in each year, the marshal shall, during that year, by virtue of his office, have the power and shall collect all the taxes due said town; and he and his sureties shall be responsible on his bond for the collection and disposition of all taxes due said town; and he may proceed in the same way for their collection as the collector by this act is empowered to proceed.

Marshal may be appointed collector.

§ 31. The marshal shall be entitled to the same fees as the sheriff and constables are respectively, whenever he performs services similar to those of sheriffs and constables.

Fees of marshal.

Clerk of the Board and Treasurer.

§ 32. It shall be the duty of the trustees to appoint annually a competent person to fill the office of clerk of the board of trustees. Said clerk shall, before entering upon the discharge of his duties, take an oath to faithfully discharge all his duties under this act; and he shall hold his office, unless removed, until the first Saturday in January following his appointment, and until his successor be duly qualified. It shall be the duty of the clerk to attend all meetings of the board of trustees, and to make a full and fair record of their proceedings and transactions in a book furnished him by them. He shall keep all the papers and records and documents of said town, and perform whatever other duties may be prescribed for him by said board of trustees, not inconsistent with this act. If said clerk

Clerk to be appointed, to give bond.

Duties of clerk.

1869. fails to qualify within ten days after his appointment, his office shall be declared vacant.

Treasurer to be appointed, & give bond.

§ 33. It shall be the duty of said board of trustees to appoint annually a competent person to fill the office of treasurer of said town, which treasurer shall hold his office until the first Saturday in January next after his appointment or election, and until his successor be duly qualified. He shall, before entering upon the discharge of his duties, take an oath faithfully to discharge all the duties of his office; and shall execute a bond to said town before said board, with one or more approved sureties, covenanting that he will account for and pay over to the person entitled to receive the same according to law, any and all moneys that may come to his hands as treasurer of said town; that he will, at any and all times, whenever called upon by the board of trustees, settle his accounts as treasurer aforesaid, and pay over any money due the town from him to any person that said board may designate, and will faithfully discharge all the duties of said office.

Duties of treasurer.

§ 34. It shall be the duty of the treasurer to receive and safely keep all money belonging to the town, and to pay out the same under appropriations made by the board of trustees; but he shall only pay out money upon warrants drawn by the clerk, and indorsed by the chairman. He shall keep a fair and accurate account of all his receipts and disbursements, when, from whom, and to whom, and for what purpose, and on what account, such moneys were received or paid, and shall exhibit the same, and furnish a copy thereof whenever called upon by the board so to do. He shall perform such other duties as may be required of him by ordinance, not inconsistent with this act, and shall receive such compensation for his services as the said board may provide. The said board may require the treasurer to pay any rate of interest, not exceeding eight per centum per annum, on the amount of such money received by him from the time of its reception, credited by his lawful disbursements from the time they are paid out; but no interest shall be required of the treasurer unless the same was imposed by ordinance before his qualification.

Suit or motion may be instituted on bond.

§ 35. Any person aggrieved may institute suit or motion on the bond given by the treasurer as aforesaid, in the said police court of Louisa, or the Lawrence circuit court, against the treasurer and his sureties; and the bond shall not be void or satisfied until every person aggrieved has been recompensed.

When office may be declared vacant.

§ 36. If the treasurer fails to execute his said bond for twenty days after his appointment, the office shall, by order of the board of trustees, be declared vacated, and the vacancy to be filled by the board of trustees.

§ 37. The board may at any time require and notify the treasurer to execute a new bond or give additional security; and upon failure, within five days after such notice, to execute new bond, or give additional security, the office may, by order of the board of trustees, be declared vacant, and filled by the board of trustees.

1869.
May require
new bond.

Taxes, &c., &c.

§ 38. That the board of trustees shall have power to assess, levy, and collect ad valorem taxes on such real and personal estate and choses in action, within the limits of said town, as the board may direct and designate; but such taxation shall be uniform on every description of property, and shall not exceed twenty cents on each one hundred dollars' worth of property. They shall have power to levy and collect annually a head or personal tax, not exceeding two dollars, on every male person over twenty-one years of age, who shall have resided in said town for three months. They shall also have power to levy and collect a tax of not more than fifty cents of each share of stock in all banks, or other named corporations, doing business in said town; and may also levy a tax of not more than one dollar on every one hundred dollars invested in brokers' establishments and private banks in said town.

May levy and
collect taxes.

§ 39. Said board may have power to appoint, annually, a competent person to fill the office of assessor, which assessor shall be qualified, within ten days after his appointment, to faithfully discharge his duties, and shall execute a bond, before said board, with one or more approved securities, covenanting with said town that he will faithfully discharge all the duties of his office; and upon his failure so to do, the board may remove him.

Assessor to
be appointed.

§ 40. It shall be the duty of the assessor to take in a list of all the taxable property within said town, whether in goods or stocks, manufactories or other property, that may be designated for taxation by the board, together with the cash value of said property, and the name of the owner or owners thereof; and he shall make such division of the different species of said property, in separate columns in his book, as the board may direct. The assessor shall list also all male persons over twenty-one years old, who are subject to said personal or head tax; and shall also list and report, separately, a list of all the houses, stores, taverns, and persons and things upon which a specific tax is levied by the ordinance of said town, together with the names of the owners or agents of such houses, stores, taverns, and things. He shall file with the clerk of the board his books, containing the above mentioned lists, on or before the first day of April in each year.

His powers
and duties.

1869.

Additional
powers and du-
ties.

§ 41. He shall call on persons from whom taxes are collectable for a list of their taxable property, and shall administer to such persons the following oath or affirmation: "You do swear that this list of taxable estate given in by you contains a full and complete list, and the best description of the same you can give, of all and every species of property belonging to you, or in your possession, subject to taxation, on the 10th of January last, under the ordinances of the town of Louisa, and that no removal of property or omission has been made, or any method or device adopted or practiced whereby to evade the payment of such taxes by you; and that you will true and perfect answers make to such questions as may be asked you concerning your taxable estate." And if any person shall refuse to take such oath, or to give a list of his or her taxable property, the assessor may assess the same from the best of his information.

Penalty for
failing to give
in lists.

§ 42. If any person shall fail and refuse to give a list of his taxable property when legally called on so to do by the assessor, or give in a false or fraudulent list, he shall be adjudged a delinquent, and fined in any sum not exceeding one hundred dollars; and the assessor, at the time he files his book with the clerk as before directed, shall return a list of all delinquents described in this section, and shall, as to fraudulent delinquents, state in what the falsehood or fraud consists. Whereupon, a summons shall be issued from the police court summoning the delinquent to appear before said court, on some day therein named, to answer for his delinquency; and said court shall proceed in the trial of said case, and may enter same judgments, and issue same writs and process, and enforce them the same as in cases of breach of town ordinances.

Board of
supervisors to
be appointed,
their powers &
duties.

§ 43. The board of trustees shall annually appoint three discreet men, who are citizens and housekeepers of said town, as a board of supervisors of tax, who, or any two of them, shall meet as soon as convenient after the assessor's books shall have been filed with the clerk, and examine with care the said books, and correct any errors of the assessor, whether in fact or in relation to the valuation of the estate listed; and in cases where they shall be of the opinion that the estate has been incorrectly valued, to fix the same at its proper value; they shall also have power to add any list omitted by the assessor; and said board may adjourn from time to time, until their business is completed; and they shall keep a full record of all their proceedings: *Provided, however,* That said board of supervisors shall, at least five days before the time of meeting, in three or more public places in said town, [post up] printed or written notices, stating the

time and place of said meeting: *And provided further,* That all persons listed by the assessors may have the right to appear before them by attorney and in person, and introduce evidence concerning their property.

1869.

§ 44. All estates taxed according to value as of the 10th of January preceding, and the person owning or possessing the same on that day, shall list it with the assessor, and remain bound for the tax, notwithstanding he may have sold or parted with the same.

Property to be listed to 10th January.

§ 45. The taxes levied by this act shall be due and payable in the same year in which the estate is assessed; and the town of Louisa shall have a lien for such taxes on the estate of each person assessed for taxation, which shall not be defeated by sale or alienation.

When taxes due & payable.

§ 46 The board of trustees shall have power to provide by ordinance that tax-payers shall receive credit for the amount of the usual collector's commission for collecting taxes, upon the payment of their taxes, by a day to be fixed by ordinance; they may also provide by ordinance that ten per cent. may be added on all taxes not paid before the 10th day of November in each year, which percentage shall be accounted for by the collector.

May receive credit by paying taxes before called on by collector.

§ 47. Said board of trustees shall have the power to levy a specific tax, not exceeding one hundred dollars per year, upon all merchants, grocers, peddlers, brokers, bankers, pawnbrokers, private bankers, money-changers, confectioners, victualers, tavern-keepers, and auctioneers, doing business in said town: *Provided,* That no provision of this act shall be construed to authorize the authorities of the town of Louisa to levy any tax upon the capital stock of any incorporated bank now exempted from such taxation by law. It shall also have the power to license and tax all coffee-house keepers, keepers of eating-houses, retailers of spirituous liquors, and sellers and dealers in the same in any quantities, in any sum not exceeding one hundred and fifty dollars per year, and shall have full power to regulate the same. It shall have the power to license and tax, in any sum not exceeding ten dollars per year, and regulate, all hacks, carriages, coaches, carts, drays, wagons, or other vehicles plying and hauling for hire in said town. It shall also have power to tax all livery stables, insurance companies and insurance agencies, express companies, and agencies for the same, doing business in said town, in a sum not exceeding fifty dollars per year. It shall have power to license and tax, in any sum not exceeding twenty dollars per year, billiard-tables; and to regulate, or suppress and prohibit, tippling-houses, bowling-saloons, and ten-pin alleys within the limits of said town; and to license and tax within said limits all theatrical and other exhibitions, shows and amusements, cir-

May levy and collect specific taxes.

1869.

cuses, menageries, lectures, and musical entertainments, but such tax shall not exceed twenty dollars for each exhibition.

Specific taxes
not to interfere
with ad valo-
rem tax.

§ 48. The imposition and collection of any specific taxes, or the granting of license by the said board, shall not prevent the levying and collection of the ad valorem taxes provided for by this act on the stock, goods, wares or merchandise, in any store or house, or on the value of any thing or implement upon which such specific tax is levied, or to keep which a license is granted.

How specific
taxes to be paid

§ 49. The said board may provide, by ordinance, when, to whom, and the manner in which, such specific taxes shall be paid, and the manner, time, and conditions under which all license shall be granted, and to enforce the payment of such taxes and license, and punish, by fine, all breaches of the ordinance passed concerning the same.

Collector may
be appointed.

His powers &
duties.

§ 50. The said trustees, if they deem it best, may select and appoint some competent person for collector, who shall be called the collector of the town of Louisa, and shall hold his office until the first Saturday in January next succeeding his appointment. It shall be his duty to collect all taxes assessed under the provisions of this charter, and all sums of money due the town of Louisa, from all persons whatever; but, before entering upon the discharge of the duties of his office, he shall, before the board of trustees of said town, give bond, with approved sureties; which bond may be as follows, viz: We, ———, collector of the town of Louisa, and ———, his sureties, covenant and agree with the Commonwealth of Kentucky, that the said ———, collector of the town of Louisa for the year 186—, shall, during the present year, account for and pay to the treasurer of the said town of Louisa, at such times and in such manner as prescribed by law, all fines, or other claims due and owing to the town of Louisa, that may be put into his hands for collection during the year; and that the said ——— shall, in all things, well and truly demean himself, and faithfully discharge all the duties of said office of collector. Witness our hands this, the ——— day of ———, 18—.

To take oath
and give bond.

§ 51. Said collector shall also take and subscribe to an oath that he will faithfully discharge all the duties of his office, which oath and bond shall be filed with the papers of the town; said board may notify the collector to give a new bond, or additional sureties, at any time; and upon his failure so to do within five days, or upon his failure to qualify within ten days of his appointment, the said board may vacate his office.

How taxes to
be paid.

§ 52. The town collector shall account for and pay into the town treasury all taxes and other public moneys for which he is bound, at such times and under such regula-

tions as may be prescribed by the ordinance of the board of trustees.

1869.

§ 53. The town collector shall, from and after the day he receives the tax-book in each year, proceed to collect the taxes due the town; and upon failure by the persons bound therefor to pay the same, may distrain the personal property owned by the persons from whom the tax is due, notwithstanding the existence of any lien upon the same, and may proceed to sell the title of such persons in so much thereof as will pay the tax due, and all cost and expenses of sale. The sale must be for cash; and be made at the door of the court-house on some county or circuit court day. The time, place, and terms of sale shall be advertised as sheriffs are required to advertise in similar cases. If the town collector make illegal or unreasonable seizure and distress for taxes, he shall be liable in damages to the party aggrieved.

When & how
taxes collected.

§ 54. If there be no personal estate which the town collector can distrain for tax due on real estate, or if the personal estate be insufficient to pay the whole of such tax, and the owner of the land or lot shall fail to pay the same by the tenth day of November in each year in which the tax is due, the town collector shall, on the first day of some county or circuit court, at the door of the court-house in Louisa, and thence from day to day until completed, proceed to sell the land and town lots, or so much thereof as may be necessary to pay the tax thereon, together with ten per cent. penalty above specified and the cost and expense of sale, to the highest bidder for cash. The time, place, and terms of sale, together with a statement of the names of the owners, occupants, number or description of the lot, and the amount of tax and penalty due thereon, shall be published by two insertions in some weekly newspaper published in some adjoining county to Lawrence, and by notice posted at three or more public places in the town of Louisa, at least ten days before the sale.

Land, &c.,
may be sold for
taxes.

§ 55. The town collector shall, as soon as practicable after making sale of any real property for taxes, make a full report of his proceedings to the board of trustees, including in said report a list of the property sold, and of the names of the owners or occupants of the property, names of the purchasers, amounts for which the property sold, and a description of the property; and he shall also hand in with the report the newspaper containing the advertisement of the sale, with the certificate of the printer or publisher showing the time when the advertisement was printed, which certificate shall be sworn to by said printer or publisher before some justice of the peace; and the town collector shall also make oath before some justice of the peace that he has complied with all the re-

Collector to
make report of
sales.

1869. quirements of this charter and the ordinances of the town in relation to the sale of property for taxes, which affidavits shall form part of the town collector's report.

Town may bid in property. § 56. The board of trustees may designate an officer of the town to attend all sales of property sold for taxes due said town, who shall, if no other person will bid an amount sufficient to pay the taxes and all fees, costs, and penalties accrued, bid in the property, or any part thereof, for the town.

Property sold may be redeemed. § 57. All lands and town lots sold by the town collector for taxes may be redeemed by the owner or his representative at any time within two years from the day of sale, by paying to the purchaser or his representative the amount of the purchase money, and interest thereon at the rate of ten per cent. per annum from the day of sale until redeemed. The person thus redeeming shall take the receipt of the purchaser for the redemption money, and lodge the same with the clerk of the town, to be filed with the collector's report of the sale. If the purchaser or his agents or representatives do not reside in the county of Lawrence, or cannot be found therein, the owner of the property or his representative may make oath of the fact by affidavit, and pay the amount of the purchase money, with the interest aforesaid, to the treasurer of the town, and take his receipt therefor, which affidavit and receipt shall be lodged with the town clerk, to be filed with the collector's report of the sale: *Provided*, Infants shall have one year after they arrive at the age of twenty-one years to redeem their lands, upon the same terms and in the same manner as herein provided for adults.

Commissioner may be appointed to convey title of property sold. § 58. The board of trustees may appoint some person commissioner, to convey the title to any real estate, sold for taxes under this act, to the purchaser or his assignee, or his heirs or devisees, if the same is not redeemed as herein provided; and such deed, which shall be acknowledged by said commissioner before the Lawrence county court clerk, shall pass to the grantee in the deed perfect title.

How tax on non-residents collected. § 59. If any person bound for tax shall be insolvent, or shall have removed out of the county of Lawrence with his estate, after he was assessed for tax, and before a sufficient time to collect it had elapsed, the collector shall, at the regular meeting of the board of trustees in the month of December, return a list of such persons and the amount of taxes assessed against them, or whether they have removed or are insolvent, and make oath to the same; which list the board of trustees shall examine, and may strike therefrom those whose tax could have been collected by the town collector by reasonable diligence; and for the

balance of tax on such list the said collector shall be entitled to credit in his settlement with the town.

1869.

§ 60. If, from any reason, there be no collector of the town of Louisa, the said marshal shall exercise, by virtue of his office, all the duties, have all the powers, be subject to the same obligations and penalties, and be, together with the sureties on his bond, liable in the same way and to the same extent as the said collector.

If no collector,
marshal may
act.

§ 61. Any person aggrieved may institute suit in the Lawrence circuit court, on the bond of the collector, against him and his sureties; and the same shall not be considered void until all persons aggrieved are satisfied. And if he shall fail at any time to settle his accounts, when called upon by said board so to do; or shall fail to pay, according to the direction of said board, the amount of money belonging to said town in his hands to the treasurer, or other person appointed by the board to receive the same, he and his sureties shall be liable for the amount in his hands, with interest at the rate of six per centum per annum, and ten per centum of said amount added thereon as damages; all of which may be recovered by motion in the Lawrence county court, or by suit or motion in the Lawrence circuit court.

Suit may be
instituted on
bond of collector.

§ 62. Nothing contained herein shall be taken to interfere with or prevent the collection of any State or county taxes within the limits of said town.

Town taxes
not to interfere
with collection
of State tax.

Streets, Alleys, &c.

§ 63. The board of trustees of said town shall have power, by ordinance, to receive and accept any street, alley, or extension of any street or alley, laid out by any person or persons within the town limits, and make and declare the same an established street or alley of the town of Louisa.

May receive
streets, alleys,
&c.

§ 64. The locality of all public streets and alleys in said town shall not be changed from their present location, without the actual consent of the claimant of the ground effected by such alteration or change: *Provided, however,* The board of trustees may by ordinance, by two thirds of the number elected, and yeas and nays being taken and recorded thereon in the journal of proceedings, whenever the public necessity shall require it, cause any new street or alley to be opened, or an old street or alley extended or widened, or establish any market place, and to procure the condemnation of any real estate for such purposes as follows: *Provided,* That in no case shall private property for any such purpose, without the written consent of the claimant, or a just and full compensation therefor, be first paid in money to said claimant. If the amount of such compensation cannot be fixed by agree-

In relation
to changing
streets, alleys,
&c.

1869. ment, the board of trustees shall cause to be filed in the Lawrence county court, stating the street or the alley opened or widened or extended, and the names of the owners, if known, of the lots and lands through which they desire to have said street or alley opened, widened, or extended, and the width thereof; and thereupon said court shall order a summons to issue for such owner or owners, to appear on some day of that or some subsequent term of said court, to show why such street or alley should not be opened, widened, or extended, which summons shall be executed on such owner or owners, if in the county of Lawrence, if not, on his or their agents, if one is known; and on the return of the summons executed, or the return of no inhabitant or known agent, and no one appearing, the said court may order the street or alley to be opened, widened, or extended—the town being liable, however, to pay the owner of the ground so taken; and if any one or more of such owners of lots appear and demand it, the court shall award a writ of *ad quod damnum*, to be directed to the proper county officers, to be executed and returned as provided by law for writs of that nature for opening public roads; and the jury summoned under said writ shall, in addition to the verdict required by law, state whether in their opinion the public necessity requires the street or alley to be opened, widened, or extended, as prayed for in the petition; and on the return of the writ, duly executed, the court shall, if the jury report favorable to the prayer of the petition, order the board to pay the damages assessed to the party or parties entitled thereto, and shall order the street or alley to be opened, widened, or extended, upon the payment of said damages.

Petition may
be dismissed.

§ 65. The board shall have power, at any time before the final decree or order, to dismiss their petition, which shall not prevent them again instituting proceedings for opening, widening, or extending such street or alley, at any time after one year from said dismissal.

Appeals may
be taken.

§ 66. Appeal may be taken to the circuit court and Court of Appeals, as is now provided in cases of opening public roads.

May keep open
streets, alleys,
&c.

§ 67. The board shall have full power to keep open all streets, alleys, and other public places, and free them from all obstructions by the infliction of such suitable fines and penalties as may be prescribed by ordinance. The board shall have power, by ordinance, to cause any or all the streets or alleys in said town now established, or any part or portion thereof, to be graded, paved, macadamized, curbed, and guttered, in such manner as they may direct, at the cost and expense of the lot-owners fronting on each side of said street or alley where such work is done. The

May cause same
to be graded,
&c.

cost and expense of such work, when completed, shall be apportioned between the owners of lots in each square, fronting each street where the work is done, in proportion to the number of feet front owned by each person ; and a lien is hereby given to the said town on all lots and parts of lots fronting on such work to secure the payment of the cost of such work: *Provided*, That in no case shall the total assessment of cost [of] improvement against any person or ground exceed in amount the one fourth the actual cash value of the ground owned by such person, and subject to said assessment. The balance of the cost of the work shall be paid out of the town treasury.

1869.

§ 68. The board shall have full power, by ordinance, to cause and procure any or all of the sidewalks of said town now established, or hereafter to be established, to be graded and paved, or improved in such manner as they may direct, at the cost and expense of the lot-owners fronting such street or alley where such work is done. The cost and expense, when the work is completed, shall be apportioned between the owners of the lots fronting on the streets or alleys where the work is done, in proportion to the number of front feet owned by each person, and a lien is hereby given to said town on all lots and parts of lots fronting such work to secure the payment of the cost of the work.

May cause sidewalks to be improved.

§ 69. The cost and expense of the work, either for grading, paving, macadamizing, curbing, or guttering, and for grading or paving sidewalks, mentioned in the two preceding sections, together with the cost for collecting the same, may be collected as other taxes by the town collector, who shall have power to sell; the lots or parts of lots sold for such work, who have not consented in writing for said work to be done, shall have two years from the day of sale to redeem the property sold, on paying the purchase money, with ten per cent. per annum interest thereon, with all the taxes and levies that may have subsequently accrued, and ten per centum per annum thereon; and those who have consented in writing may redeem their property at any time within one year from day of sale, by paying the purchase money and interest at ten (10) per centum thereon, and subsequent taxes and levies, and ten per centum thereon: *And provided also*, That infants shall have the privilege of redemption on like terms at any time within one year after the disability is removed.

How to be paid for.

§ 70. All intersections of streets shall be paved, guttered, and stepping-stones placed across walks made, at the expense of the town; and the board may, if they deem it expedient, have all or any street, alley, or sidewalk, or any part thereof, repaired, paved, graded, guttered, or macadamized, at the cost of the town.

Intersections of streets.

1869.

After streets
once graded,
&c., town to
keep same in
repair.

§ 71. When the guttering, grading, and macadamizing of the streets and alleys mentioned above shall have been done, at the expense of the owners of the lots fronting such streets or alleys, under and according to the direction of the board, such streets or alleys shall be kept macadamized and graded at the expense of the town.

Persons ex-
empt from tax
to pay for im-
proving other
portions of
street in cer-
tain cases.

§ 72. Where any person has had a street in front of his lot graded or guttered, and paved to the center, and the sidewalk paved, in accordance with the general plan of the work of the town, he shall be free from any assessment for the work done on the balance of the square on which he has had the work thus done; and any person hereafter desiring to do such work, shall notify the board of the fact, and shall have the grades given by the board, and do the work according to its direction, or he shall not be exempted as aforesaid.

Board may
advance money
for work done.

§ 73. The board shall have the power, for any of the work done on the streets, as directed in the foregoing sections, to advance the money, and may for that purpose borrow the same, and advance it to the contractors: *Provided, however,* That the lien shall always continue upon said lot until the entire cost of the work, and all expense of the work, as aforesaid, are fully paid off and discharged.

No person to
lay out or ex-
tend street
without con-
sent of board.

§ 74. No person or persons shall lay out or extend any street or alley within the limits of the town without the consent of a majority of the board; and when any person or persons have, with such consent, laid out, or shall hereafter lay out or extend, any street or alley within the limits of the town, and shall have sold or intend to sell lots bounding thereon, the board shall declare the same to be established as a public street or alley, and exercise all the power, jurisdiction, and authority over the same that they have, by this charter, over other established streets and alleys, and may cause them to be improved as herein provided; but no street shall be laid out or accepted within the town limits which is less than sixty feet wide, including the sidewalks or pavements.

Elections.

When elections
held.

§ 75. The election for the said chairman and trustees, and for all other officers of said town who are elected, and for the election of whom no provision is made by law, shall be held on the first Saturday in July, 1869, and on the same day each year thereafter.

Who to con-
duct same.

§ 76. The board of trustees shall, before such election, appoint as officers thereof two persons, one as judge and the other as clerk, and the marshal of the town shall act as sheriff. If, from any reason, the appointees do not act, it shall be the duty of the marshal to appoint other persons in their stead; and if the marshal refuses or fails

to act, the police judge may fill the vacancies by the appointment of competent persons. Officers of town elections shall perform similar service, be entitled to like pay, liable to the same penalties, and governed in all matters, not inconsistent with this charter, and in the same way as officers of State elections, which shall be paid by the town.

1869.

§ 77. Every free white male citizen of the age of twenty-one years, who has resided in this State two years, or in said town one year next preceding the election, and who has paid his head and poll tax for the preceding year, shall be entitled to vote at said election; but such voter shall, at the time of the election, be a resident of said town, and have resided therein for the sixty days next preceding the same.

Qualifications of voters.

§ 78. The person acting as sheriff of said election shall, within one day after the same, deposit the poll-books with the clerk of the Lawrence county court, who shall file said book in his office. Said county court clerk, the judge of the police court of Louisa, and the person acting as sheriff of the election, shall constitute a board for examining the poll-books and giving certificates of election. Any two of them may constitute a board, which shall meet within two days after the poll-book is filed as aforesaid, and shall compare the poll [and] ascertain the correctness of the summing up of the votes for the offices for which an election was held, one of which certificates shall be given to the person elected, and the other to the clerk of the board of trustees, who shall file the same with the papers of the town.

Poll-book to be deposited with county clerk.

Board of examiners.

§ 79. Whenever any two or more persons shall receive the highest and equal number of votes for the same office, such election shall be determined by lot, in such manner as the board of examination may direct. The elections provided for in this act may be contested before the same board, and the same proceedings had as when elections for county officers are contested under chapter 32 of the Revised Statutes of Kentucky.

Proceedings in case of a tie.

Elections may be contested.

§ 80. Whenever any vacancies shall occur in the offices of police judge or marshal, the board of trustees shall appoint some competent person to fill the vacancy, who shall hold his office until the next succeeding August election, and until his successor is duly qualified; and the said board of trustees shall issue a writ of election to fill the remaining vacancy, which writ shall be delivered to the sheriff of Lawrence county, and on which he shall act as on writs issued for the election of county officers under provisions of Revised States, article 6, chapter 32. All vacancies in the offices of said town, not otherwise provided for, shall be temporarily filled by the board of trus-

Vacancies, how filled.

1869. tees, by appointment, until the next succeeding election in January, and until their successors be duly qualified; and the persons appointed under this section shall exercise all the powers, perform the same duties, and be under the same responsibilities and restrictions, as if they had been regularly elected.

Resignations
to whom ten-
dered.

§ 81. All resignations of the officers of said town of Louisa shall be tendered to the board of trustees in writing, and shall be noted on the records of said town.

General Provisions.

Term of office of
present judge.

§ 82. The present police judge of the town of Louisa shall remain in office and exercise all the powers conferred herein on the police judge of Louisa, until the August election of 1869, and until his successor be duly qualified, at which election there shall be an election held to fill said office till the August of 1870.

Term of office
of present mar-
shal.

§ 83. The present town marshal of said town shall remain in office and exercise all the duties and have all the powers conferred by this act on the marshal of the town of Louisa until the August election of 1869, and until his successor be duly elected or appointed and qualified. All the other officers of said town now in office shall hold the same and exercise all the powers given them by this act until their successors be duly elected or appointed or qualified.

Town not to
give bond for
cost in legal
proceedings.

§ 84. No bond for cost or other bond shall be required of the town of Louisa in any suit, prosecution, or legal proceedings, unless the same could be lawfully required under similar circumstances of a resident citizen of this State.

Present or-
dinances not
conflicting with
this act to con-
tinue in force.

§ 85. All ordinances of the town of Louisa now in force, not in conflict with this charter, shall continue in force until repealed by the board, and all laws vesting right in or imposing duties upon the town of Versailles [Louisa] not herein superseded or repealed by the General Assembly of the Commonwealth of Kentucky.

Bonds, con-
tracts, &c., now
executed, to
continue in
force.

§ 86. The recognized records of the trustees of the town of Louisa, and all bonds and contracts executed to the said town, shall remain in full force, and, remaining in the proper offices of said town, are hereby declared to be public records; and copies thereof, certified by the proper officer or keeper thereof, shall be evidence in all courts to the same extent that the originals would be on due proof; and the keeper of said records may be entitled to fees for copies of same, to be prescribed by ordinance.

Prescribe
penalties for
breaches of or-
dinances.

§ 87. The said board of trustees shall have the power to prescribe penalties for the breach of all ordinances passed by them in pursuance of the power herein granted; and whenever the penalties have not been prescribed by this act, said penalties may be in any sum not exceeding one hundred dollars.

§ 88. The inhabitants of the town of Louisa shall not be required to work on any of the public roads, exceeding one half mile of court-house, outside of the limits of the town.

1869.

Inhabitants of
town not to
work on roads.

§ 89. This act shall take effect from and after its passage; and all acts inconsistent herewith are repealed.

Approved March 11, 1869.

CHAPTER 1943.

AN ACT to incorporate the North Middletown and Thatcher's Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed for the purpose of constructing a turnpike road on the McAdams plan, from the southern limits of North Middletown, in Bourbon county, to Thatcher's Mill, on the Paris and Winchester turnpike road, to run the nearest and most practicable route between said points, to be known under the name and style of the North Middletown and Thatcher's Mill turnpike road company; and by that name shall be a body-politic and corporate.

§ 2. The capital stock of said company shall be twelve thousand dollars, divided into shares of fifty dollars each. Subscriptions for stock in said company shall be opened in North Middletown, on or before the first day of April, A. D. eighteen hundred and sixty-nine, or in a reasonable time thereafter.

§ 3. That the following persons are appointed commissioners to perform the duties of this act, to-wit: Daniel Talbott, R. M. Rice, Charles D. Talbott, George Redman, and Samuel H. Talbott, and that they procure suitable books in which the subscribers of stock shall sign an obligation to the effect, viz: "We, whose names are hereunto subscribed, do respectively promise to pay to the North Middletown and Thatcher's Mill turnpike road company the sum of fifty dollars for each share of stock set opposite our names, in such proportion, and at such times, as shall be directed by said corporation."

§ 4. When one hundred shares of stock are subscribed, said commissioners, or a majority of them, shall notify the stockholders, by notices posted up at three of the most public places in North Middletown, and one at the court-house door in Paris, for two weeks in succession, that a meeting of the stockholders of said company will be held, at such time and place as said commissioners shall designate in said notice, for the purpose of choosing

1869. officers; and in the election of such officers, each shareholder shall be entitled to one vote for each share of stock he may hold, and such shareholder may vote in person or by proxy in writing.

§ 5. The width of said road shall not exceed fifty feet, and the part covered with metal shall not be less than sixteen feet.

§ 6. The officers of said company shall consist of a president, four directors, and a treasurer; and said board shall keep a true record of their proceedings in a well-bound book, which book shall, at all times, be accessible to each and every shareholder for inspection, upon application therefor to said board. They may, at their discretion, employ a clerk to keep said records, and pay him such compensation as they may deem proper, and such expense as may be thereby incurred shall become a part of the expenses of said company.

§ 7. The Bourbon county court may subscribe stock in said company, a majority of its justices being present and concurring, by an order directing its clerk to make such subscription; and when so made, shall be obligatory and binding upon said county for its payment; and to enable said court to pay said subscription, when made, said county court is hereby empowered to levy a tax on the land and other estate of the citizens of said county, subject to State revenue, not to exceed six cents on the one hundred dollars' worth of property in any one year; and said tax, when so levied, shall be collected by the sheriff of said county, and by him paid over to the county treasurer on or before the first day of the next January after its collection succeeding the year in which the same is levied and to be paid; and the county treasurer shall pay the same at such times and places and in such manner and amounts as shall be required of him by the president and directors of said company: *Provided*, That the dividends arising on the stocks thus taken by said county court shall be applied, when collected, towards lessening the county levy.

§ 8. So soon as said company shall be organized, the president and directors shall possess, and be invested with all the powers, authority, rights and privileges; and may do all the acts and things necessary for letting, contracting, and completing said turnpike road; and shall be subject to all the duties and qualifications, restrictions, penalties, fines, and forfeitures, and be entitled to like tolls and profits, as are given and granted to the Maysville and Lexington turnpike road company; and all the provisions of the act approved January 22d, 1827, incorporating the Maysville and Lexington turnpike road company, are hereby enacted as a part hereof, except so far

as herein otherwise provided by this act, or may come in conflict with the same, and except, also, so much of the fourteenth section thereof as requires notice to the Governor of this Commonwealth when five miles of said road shall be completed, and a license from him to erect gates, &c., the president and directors of said company being hereby authorized to perform that duty; and also excepting the whole of the twenty-seventh, twenty-eighth, and twenty-ninth sections of said act.

1869.

§ 9. That the president and directors of said company shall locate said road upon the nearest and most practicable route, and shall fix the elevation and grade of said road in conformity to law.

§ 10. That if a sufficient amount of stock shall not be taken to complete said road, then, and in that case, the president and directors, or a majority of them, shall have the power to expend the amount that may be subscribed upon that end of the road, beginning at North Middletown; and they shall have power to make provisions for the collection of toll for one mile wherever a fraction of mile may occur.

§ 11. That persons going to or from elections, to church on the Sabbath day, to mills, or attending funeral services, or to school, shall be exempted from paying tolls on said road.

§ 12. This act to take effect from its passage.

Approved March 11, 1869.

CHAPTER 1944.

AN ACT to incorporate the Germantown and North Fork Turnpike Road Company, in Mason County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body corporate and politic be, and hereby is, created and authorized to be formed and organized, under the name and style of "The Germantown and North Fork turnpike road company, in Mason county;" and under that name and style it shall have perpetual succession; may have a common seal; may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth.

§ 2. The object and business of said corporation shall be to construct, keep up, and maintain a turnpike road, from Germantown, in Mason county, to the North Fork, at or near Reed's Old Mill, in Mason county, with the right and privilege to extend and construct and maintain said road, from the North Fork to Sardis, in Mason county,

1869. or to some point on the Sardis turnpike road, to be fixed by said company.

§ 3. The capital stock of said company shall not exceed fifty thousand dollars, to be divided into shares of fifty dollars each.

§ 4. That books for the subscription of stock in said company may be opened at any time within two years after the passage of this act at Germantown, and at Catron's Mill, and at Sardis, under the supervision of Frazee Pollock, Thurman Pollock, William Henson, John Woodward, Thornton Norris, James C. Owens, Evan Loyd, and William Hull, or any three of them, who are hereby constituted commissioners for such purpose. The subscribers for stock in said company shall sign an obligation binding themselves, respectively, to pay to the president and directors of said company fifty dollars for each share of stock in said company subscribed by them. The number of shares subscribed by each person shall be designated opposite each subscriber's name; and said subscriptions shall be made in a book in which said obligation shall be written. But said commissioners, or those acting, or said company after it is organized, may receive conditional subscriptions of stock in said company, which may be expressed in writing in any such subscriptions; and such subscriptions shall be valid and binding on the conditions therein stated. And said commissioners, or those acting, or said company after it is organized, may receive subscriptions of stock to said company in real estate, rock, lumber, or other personal property and labor, which shall be valid and binding; and the amount in value of such subscriptions shall be expressed in the respective subscriptions; and if the property is not surrendered or delivered, or the labor performed, on the demand of said company, the value thereof in money, as expressed in the subscription, may be collected of the subscriber.

§ 5. As soon as two thousand dollars is subscribed to the stock of said company it may be organized; and to this end, the commissioners acting shall give notice, by written advertisements, posted at some one or more public places in Germantown and at Catron's Mill, for two weeks, of the election of officers of said company, which shall be five directors, one of whom shall be chosen by the directors as president. The time and place of such election shall be stated in said advertisements; and, after the first election of said officers, the elections thereafter for said officers shall be on the first Saturday in April of each year. Each stockholder shall be entitled to one vote for each share of stock owned by him, which may be cast in person or by proxy. None but a stockholder shall be a director. The first election shall be under the

supervision of the commissioners, or of those acting. The president and directors shall each take an oath faithfully to perform their duties as such, which shall be certified by the officer administering it, and filed with the papers of the company; and said officers shall serve until their successors are elected and qualified. If any vacancy occurs during the year by death, resignation, or removal from the State, the remainder of the directors may, if they deem it necessary, fill the vacancy.

1869.

§ 6. The said company, after it is organized, may keep open the books for additional subscriptions of stock in said company. The Mason county court may subscribe stock in said company to an amount not exceeding one thousand dollars per mile of said road, payable on the completion of each mile.

§ 7. The president and directors may appoint a treasurer and clerk, and prescribe their duties, fix their compensation, and may remove them at pleasure. Said treasurer and clerk shall give bond, with good security, to said company, honestly to account for all moneys that may come into their hands, and for the faithful performance of their duties, and shall also take an oath to the same effect, which bond and the certificate of such oath shall be filed and kept with the papers of said company. The said president and directors may appoint a superintendent or agent to superintend the construction of said road, and its maintenance afterwards, and gate-keepers and an engineer, and such other employes as they may deem necessary.

§ 8. The said president and directors shall have power to pass any by-laws, rules and regulations, for their own government and the government and conduct of said company, its officers and affairs, that they may deem necessary, not inconsistent with this act, or with the Constitution of this State or of the United States.

§ 9. The said president and directors may let out for construction any portion of said road as soon as three thousand dollars is subscribed, or may do so after additional subscriptions are received; and they may go on letting out for construction and completing said road as the subscriptions of stock to said company may, in their opinion, justify them in so doing; and as soon as two and a half miles of said road are completed, they may erect a toll-gate and collect toll for that portion of said road. The charges for toll on said road shall be in conformity with the general law of this State regulating tolls on turnpikes; and they shall only be authorized to charge toll on said road in proportion to the distance traveled, and only for so much of said road as shall be completed and in good repair for traveling.

1869. § 10. The said company may receive releases of right of way for said road and ground for rock quarries and toll-houses and bridges, by consent or purchase; and if they deem it necessary, they may, by proceeding instituted in conformity with the existing laws of this State on the subject of turnpikes and plank roads (Revised Statutes, chapter 103), condemn land for right of way, over which said road may be located, and ground for toll-gates and toll-houses, and rock quarries and bridges, just compensation being paid to the owners thereof, to be assessed by a jury empaneled for such purpose, according to law as aforesaid.

§ 11. The said road shall be not less than twenty-five nor more than fifty feet wide. Any person who shall unlawfully obstruct said road shall be subject to a fine of not less than five nor more than fifty dollars therefor, which shall, when collected, be for the use of said company, and shall be recoverable as other fines are recoverable by law. Said president and directors may pass by-laws fixing fines for a failure to pay toll, or for the evasion of toll on said road, which may be recovered as other fines of similar amount are recovered under the laws of this Commonwealth, and be for the use of said company.

§ 12. Said president and directors shall prescribe in what installments the subscriptions of stock shall be paid. They may borrow money for the use of said company, not exceeding five thousand dollars, and give personal security therefor, or a mortgage on said road and its franchises, which may be enforced and foreclosed.

§ 13. This act shall take effect and be in force from its passage.

Approved March 11, 1869.

CHAPTER 1945.

AN ACT to authorize the sale of the Poplar Level Church property, and the reinvestment of the proceeds arising therefrom.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. L. Prather and James Logan, trustees of the Poplar Level Church property, in the county of Jefferson, conveyed to the Methodist Episcopal Church, South, by the commissioner of the Louisville chancery court, be, and they are hereby, authorized and empowered to sell said property upon such terms as they may deem most advantageous to the interest of the said church, for the benefit of which they hold the legal title to the same.

§ 2. That said trustees shall invest the moneys arising from said sale in the purchase of other suitable land,

and the erection of a church house, to be held and used by said Methodist Episcopal Church, South, in the same manner as said Poplar Level Church has heretofore been held and used by said church. Said trustees shall hold the title to the property so purchased and erected, in the same manner they now hold the Poplar Level Church property.

1869.

§ 3. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 1946.

AN ACT for the benefit of F. C. Trice.

WHEREAS, F. C. Trice, with considerable labor, and personal risk and expense, hunted down, arrested, and delivered to the jailer of Marshall county, Sam. Gaines, a murderer and desperado, and who was afterwards tried and executed; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of this State is authorized to draw his warrant on the Treasurer of this State for one hundred dollars in favor of said Trice.

§ 2. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 1947.

AN ACT for the benefit of Greenup County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant upon the Treasury, in favor of the county of Greenup, for the sum of three hundred and one dollars and sixty cents, for keeping and providing for a pauper lunatic. Said money to be subject to the order of the sheriff of said county.

§ 2. This act to take effect from its passage.

Approved March 12, 1869.

1869.

CHAPTER 1948.

AN ACT for the benefit of Nelson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of nine hundred and thirty-two dollars and fifty cents is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to the county of Nelson, which sum was expended by said county in taking care of Rebecca Whitehead, Malinda Hancock, Priscilla Piles, Martha Eddleman, and Mary Stears, pauper lunatics of color, before the Eastern Lunatic Asylum was prepared to receive said pauper lunatics.

§ 2. This act shall take effect and be in force from its passage.

Approved March 12, 1869.

CHAPTER 1949.

AN ACT for the benefit of John Seaton, of Greenup County.

WHEREAS, John Seaton did, under an order of the Greenup circuit court, transcribe into new books a complete index and cross-index of the judgments of the Greenup circuit court for the years from 1804 to 1841, including said year, from old indexes, which were in a worn and ruinous condition. The work embraces the judgments for a period of over thirty-seven years; and whereas, there is no law authorizing the payment of the same; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer of the State, in favor of John Seaton, for the sum of six hundred dollars, to be paid out of any money unexpended in the Public Treasury.

§ 2. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 1950.

AN ACT for the benefit of W. F. Harrison.

WHEREAS, At the February term, 1868, of the Clinton circuit court, sundry claims were proven and allowed by said court for arresting and guarding A. Smith and A. Ramey, charged with and convicted of horse-stealing; and

whereas, it appears that the claims aforesaid, though meritorious, cannot be legally paid by the Auditor, and the claimants having assigned said claims to W. F. Harrison; therefore,

1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor draw his warrant upon the Treasurer for twenty-four dollars and twelve cents (\$24 12), in favor of W. F. Harrison, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 1951.

AN ACT to amend an act, entitled "An act to authorize the Campbell County Court to make subscriptions to the capital stock of Turnpike Road Companies located within the limits of said County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved March 7th, 1869, to authorize the Campbell county court to make subscriptions to the capital stock of turnpike road companies located within the limits of said county, shall not hereafter be enforced until the question shall have been submitted to the legal voters of the county at the August election, 1869, whether said voters are in favor of making the subscription therein contemplated. And if the affirmative of said proposition shall receive a majority of the votes then cast for or against it, the said county court shall proceed to make the subscription, and exercise the powers therein provided for, without any further submission to the said voters.

§ 2. That nothing in this act shall apply to or in anywise effect any appropriations heretofore made, or stock already taken or subscribed in turnpike roads in said county by the Campbell county court, under and by virtue of the act mentioned in section first of this act, and of which this act is amendatory.

§ 3. This act shall take effect from its passage.

Approved March 10, 1869.

CHAPTER 1952.

AN ACT for the benefit of the Town of Franklin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the existing charter of the town of Franklin, and amendments thereto, be, and the same are hereby, so

1869. amended as to read "Board of Councilmen," wherever the words "Board of Trustees" occur, and the words "eight councilmen" are inserted where the words "six trustees" occur, and said charter shall read in accordance with said amendment; and it shall read "Mayor of the town of Franklin" instead of "Chairman of the Board of Trustees." Wherever "Chairman" occurs, the same is stricken out and "Mayor" is inserted; and wherever "Trustees" occur, the same is stricken out and "Councilmen" shall be inserted.

§ 2. Two councilmen shall be elected by the qualified voters of each ward, and said councilmen shall be *bona fide* residents thereof. The voters of each ward shall elect and vote for only two councilmen from their respective wards: *Provided, however,* That persons qualified to vote, and residing out of town, shall be privileged to vote for only two councilmen for any one ward in which he owns real estate: *And provided further,* That the place of voting shall continue as heretofore fixed.

§ 3. Said town is divided into four wards, and each is bounded as follows: Ward number one (1) includes all the territory east of the west edge of Main street, and north of the north edge of Cedar street. Ward number two (2) includes all the territory south of the north edge of Cedar street, and east of the east edge of Market street, and its continuation in a southern straight line. Ward number three (3) includes all the territory west of the east edge of Market street and its continuation, and south of the south edge of Depot street. Ward number four (4) shall comprise the remaining territory of said town, excluding the public square. And it shall be the duty of the board of council to cause the taxes to be assessed and collected for each ward in separate lists, and a separate account shall be kept of the amount collected and collectable in each ward; and the taxes collected in each ward shall be expended exclusively in such particular ward, wherein same was collected, for improvements therein, and under the exclusive supervision of the councilmen representing such ward: *Provided,* That the debt and interest of the town, and the common expenses of the town government, shall come out of the taxes as a gross and common fund.

§ 4. All moneys arising from licenses or other sources not herein named, "excepting the college tax," shall be equally divided among the said wards for improvements; but the same shall remain in charge of the treasurer, and paid out by him as heretofore provided by law.

§ 5. It shall be lawful for three fourths of the council, with the approval of the mayor, to appropriate and apply any or all of the said town revenue otherwise and differ-

ently therein, in the manner, or for the purposes, herein provided.

1869.

§ 6. The charter of said town shall remain unaltered and unchanged except to the extent that this act conflicts with the same, or said charter is inconsistent with the provisions of this act. Where there is an inconsistency, this act shall prevail.

§ 7. The mayor and councilmen shall receive no compensation for their services; but the town marshal shall furnish each with stationery, not exceeding in value five dollars, out of the town treasury.

§ 8. No officer of said town shall be interested in or make a contract to improve the streets or alleys of said town.

§ 9. The whole of this act shall be submitted to the voters of said town on the first Monday in May; and if it receive a majority of the voters voting, then the same shall be legal and binding, as above provided.

§ 10. This act shall take effect and be in force on and after the first Monday in June, 1869.

Approved March 12, 1869.

CHAPTER 1953.

AN ACT to prohibit the sale or vending or giving of vinous, spirituous, or malt liquors in the Town of Irvine, or within two miles of the limits thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful, hereafter, for the presiding judge of Estill county, or any other officer or person, to grant a license to any person or persons to vend spirituous, vinous, or malt liquors in the town of Irvine, or within two miles of the limits thereof; and any such license, if granted, shall be null and void and held for naught.

§ 2. That it shall be unlawful for any person, not having a license so to do, to vend, sell, loan, or give, within the boundary named in the first section of this act, to any person or persons, any spirituous, vinous, or malt liquors, in any quantity less than ten gallons, to be delivered at the time of the sale, except upon the certificate of a regular practicing physician of good moral character, and of sober habits, that the same is needed for medicinal purposes. Any person violating the provisions of this act shall, for every separate act, be deemed guilty of keeping a tippling-house, and shall be subject to all the pains and penalties pronounced by law against tippling-house keepers, to be collected as other fines and forfeitures.

§ 3. This act shall be in force from its passage.

Approved March 12, 1869.

1869.

CHAPTER 1954.

AN ACT to authorize the Trustees of the Town of Columbia to appropriate money to build a School-house in said Town for Common School purposes.

WHEREAS, By an act of the General Assembly of the Commonwealth of Kentucky, approved February 27, 1860, (Session Acts 1859-'60, volume 2, page 328), the trustees of the town of Columbia were authorized to sell the school-house in said town known as the Robertson academy, and apply the proceeds to the grading, graveling, and paving the public square in said town; and whereas, by virtue of said act, said house was sold by said trustees for the sum of three hundred and forty-six dollars, and the same was applied to the grading, paving, and graveling of said square in said town; and whereas, said school-house was the only public school-house in said town; and whereas, there is no school-house in said town in which to teach the common school; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of said town be, and they are hereby, authorized and empowered to appropriate any money now in the hands of their treasurer, or that may hereafter come to his or their hands, not exceeding six hundred dollars, to the buying a lot and building a school-house in said town for common school purposes.

§ 2. That said trustees are authorized and empowered to purchase such lot, and cause to be erected thereon, a suitable house for common school purposes for the Columbia common school district, No. 29, and to take and accept a conveyance to the same to them and their successors in office, as and for a common school-house for said Columbia district.

§ 3. That said trustees are authorized to levy, assess, and collect a tax on all the taxable property in said town, sufficient to pay for said lot and house, not exceeding, however, ten cents on the one hundred dollars' worth of property, annually; said tax to be levied, assessed, and collected by said trustees, as other taxes are now levied, assessed, and collected by them; this tax is in addition to the taxes now authorized by law to be collected by said trustees.

§ 4. The said trustees may also levy and collect a poll-tax for the purpose of paying for said house and lot, not exceeding one dollar on the head of each voter in said town in any one year; this to be in addition to the poll-tax now authorized by law to be collected by said trustees.

§ 5. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 1955.

1869.

AN ACT for the benefit of the County Court of Breckinridge County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of raising the means to complete the new court-house at the seat of justice in Hardinsburg without loss to the county, according to contract, the county court of Breckinridge county is authorized and empowered to issue the bonds of the county, not exceeding in the aggregate the sum of twenty-five thousand dollars, in denominations of twenty-five, fifty, one hundred, five hundred, and one thousand dollars each, in such proportions as the court may prescribe, to bear interest at any rate not exceeding ten per cent. per annum, and payable at any time within five years in such manner as the court may, in its discretion, provide; and to enable said court to pay off and discharge said bonds at maturity, it is authorized and empowered, annually, at its court of claims, or at such other times as it may be convened by order of the presiding judge for said county, to levy and collect such capitation and ad valorem tax as said court may deem necessary for that purpose.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1869.

CHAPTER 1956.

AN ACT to Charter the Central Express Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. H. Barret, Samuel Gill, John Ingle, jr., J. B. Gordon, J. D. Lockhart, Jno. P. King, Wm. Malone, J. T. Boyle, A. O. Durland, D. O. Day, H. B. Hanson, Wm. Johnson (of N. C.), E. W. Cole, R. A. Watts, R. H. Crittenden, E. G. Sebree, Samuel Tate, Campbell Wallace, and Charles T. Pollard, and their successors, be, and they are hereby, created a body-politic and corporate, by the name of the "Central Express Company," to have succession as such until the year nineteen hundred, with the powers incident to corporations, and such as are vested and created by this act.

§ 2. The Central Express Company are hereby authorized and empowered to do a general express business, and for that purpose are authorized to make contracts and agreements with railroad companies in or out of this State, and with steamboats, and the owners thereof, for doing an express business over the railroads and boats; and the

1869. Central Express Company may own their own cars, and run the same over any railroads, on such terms as they may agree with the railroad companies. The Central Express Company shall be responsible and liable as common carriers, in the same manner as are other common carriers.

§ 3. The Central Express Company may contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all courts, with power to acquire, hold, and use all such real estate as may be necessary for offices, warehouses, and depots; and they may have and use a common seal, and alter and renew the same at pleasure.

§ 4. The capital stock of the Central Express Company shall be one hundred thousand dollars, and may be increased to one million of dollars. The capital stock shall be divided into shares of one hundred dollars each, and may be transferred in such manner as the board of directors of said company may provide and require by their by-laws.

§ 5. The business and affairs of the Central Express Company shall be managed by a board of thirteen directors, one of whom, chosen by a majority of the number, shall be president, all of whom shall be stockholders. The first board of directors shall be composed of the incorporators hereinbefore named, who shall continue in office one year, or until their successors are elected by a majority in interest of the stockholders. If any of the directors fail or refuse to accept or act, the majority of the others may fill the vacancy by choosing or appointing some other stockholder in his or their place or places. The board of directors may adopt by-laws for the regulation and management of the business and affairs of the corporation. They may appoint a treasurer, secretary, general agent, and manager, and all sub-agents and employes, and fix the salaries and compensation for services of all officers, agents, and employes. They may have and keep, and maintain, one or more offices in or out of this State, and prescribe the rules, and enforce them, for conducting the business of the company. The board of directors, or a majority of them, may open books, or designate persons to open books, of subscriptions, in or out of this State, to the capital stock of the said company, at such times and places and on such notice as they may deem proper; and may continue to open books of subscription, in or out of the State, as they may deem proper, until the capital stock of the company is subscribed. And so soon as twenty thousand dollars are subscribed to the capital stock, the said directors, or any of them, may give notice to the several stockholders of the time and place at which an election shall be held for a new board of directors, who shall hold and continue in office

one year, and until their successors are elected. The stockholders may reduce the number of directors from thirteen to any number not less than seven; and the board of directors may fill all vacancies in the board which may happen by death, resignation, or otherwise.

1869.

§ 6. The Central Express Company may own, use, and operate their own locomotives and cars on any railroad by the consent of the railroad company; and may contract with any railroad company for running engines and cars over their road; and may lease any railroad or railroads, provided the same shall be operated in accordance with its charter; and may enter into contracts with railroad companies, steamboats, stage-owners, and owners of wagons, for carrying and conveying all articles and freights for said company; and may contract with any and all persons for shipping, carrying, and delivering all character of produce, merchandise, money, and packages; and may own express wagons and horses, or mules, for operating the same.

§ 7. The board of directors shall, once in every year, make a full report of the condition and state of the affairs and business of the company to a general meeting of the stockholders.

§ 8. This act shall take effect and be in force from and after its passage.

Approved March 12, 1869.

CHAPTER 1957.

AN ACT to amend the Charter of the Louisville City Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the city of Louisville and the City railway company, of said city, to change, alter, or amend any contract or agreement heretofore made, or which may be made hereafter, in relation to the power to be used in propelling the cars of the railway company along and through the streets of said city, and in relation to opening or keeping the streets in repair along which the tracks of said company are now, or shall hereafter be, laid: *Provided, however,* That before any change shall be made, a majority of each board of the city council shall concur therein.

§ 2. That this act shall take effect from and after its passage.

Approved March 12, 1869.

1869.

CHAPTER 1958.

AN ACT for the benefit of Adam C. Fox.

WHEREAS, On the — day of —, 1868, Adam C. Fox paid a judgment into the Treasury of the State, a judgment against him in favor of the Commonwealth of Kentucky, for a fine of \$104, for peddling without license; and whereas, said fine was remitted by Governor Thos. E. Bramlette, as appears by the Executive Journal of date July 27, 1867; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is hereby directed to draw his warrant on the Treasurer for \$104, less cost and attorney's fees, in behalf of said A. C. Fox.

§ 2. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 1959.

AN ACT to incorporate the Champion Coal and Tow-boat Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Z. M. Shirley, Vincent Shinkle, David Gibson, Godfrey Holterhoff, Henry Gratenkemper, Thomas Sherlock, C. G. Pierce, James H. Williams, Henry A. Jones, Matthew Hart, Theodore Cook, A. H. Dugan, R. H. Woolfork, Amos Shinkle, Thomas Goff, James W. Goff, W. C. Hite, W. E. Gibson, John Cochnouer, and D. J. Pierce, and their associates, be, and are hereby, created a body-politic and corporate, under the name of "The Champion Coal and Tow-boat Company," with perpetual succession; and by that name may contract and be contracted with, sue and be sued, in all courts; and shall have a capital stock of two hundred and fifty thousand dollars, divided into shares of one thousand dollars each, to be subscribed as hereinafter provided.

§ 2. The persons named in the first section of this act, or any five of them, shall be the commissioners to receive subscriptions to the stock of the company, and to superintend the first election of directors. At least one hundred dollars shall be paid by the subscribers on each share of stock taken by each before the first election of directors, of which election said commissioners shall give notice as to time and place; and when the election shall have taken place, said commissioners shall hand over to the directors all the papers and books in their hands belonging to the company; and also pay over the money received on subscription. That so soon as fifty thousand dollars shall

have been so subscribed, the commissioners may hold an election.

1869.

§ 3. There shall be elected five directors of said company, all of whom shall be stockholders. The annual election of the company shall be held on the second Monday of January in each year, unless a different day shall be fixed by the board of directors; and those directors in office shall hold over, if an election should fail, until an election shall take place, which election, in lieu of the one that has failed, shall not be held for that year, unless the same shall be held within three months after the regular time. At all elections, each stockholder shall be entitled to one vote for each share of stock held by him.

§ 4. The board of directors shall elect one of their number president, who shall possess the usual powers of president of similar companies, and perform the usual duties of presidents of like corporations, and such other duties as may be devolved upon him by the by-laws or directions of the board. There shall also be elected by the board a treasurer, secretary, superintendent, and such other officers as may be created by the by-laws of the corporation. One person may fill one or more of the aforesaid offices, as the board may direct, except that the president shall hold no other office in the corporation, only he may act, by appointment, on committees. The president and directors shall constitute a board for the transaction of business; may ordain and establish the necessary by-laws for the government of the company, its officers, and employes. The board may take from any or all the officers of the company such bonds, upon such conditions, and containing such covenants, as the by-laws may ordain or the board direct.

§ 5. The business of this corporation shall be to deal in boats, coal-barges, and run the same; also, to deal in tow-boats and pleasure-boats, and run the same; to raise sunken boats or barges, or other property, upon the Ohio river and its tributaries; also, upon the Mississippi river and its tributaries; and for these purposes it may have an office in Campbell county, State of Kentucky, and other offices, in or out of the State of Kentucky, as the extent of the business may require, for the speedy and economical transaction of its business, and the supervision and payment of its employes. Said corporation may make semi-annual dividends, in the months of January and July. Said corporation may adopt and have a common seal, and the same may alter, change, or break at the pleasure of the board of directors.

§ 6. The said company may purchase, or lease and hold, such real estate, and such personal property, as may, by

1869. the board of directors, be deemed necessary in the transaction of its business, and may sell and convey the same whenever the interests of the company may, in the opinion of the board, require it. The stock of this corporation shall be transferable only upon the books of the company in the presence of such officers as the board may direct. The officers of the corporation and its employes shall be paid such salaries and compensation as the board may direct. The directors shall hold their offices for one year, or until the next election after their election or appointment. Any vacancy in the board occurring between regular elections may be filled by the board until the next regular election. All other officers and employes shall be held for one year, or during the pleasure of the board.

§ 7. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 1861.

AN ACT to incorporate the Lebanon and Raywick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated by the style and name of "The Lebanon and Raywick Turnpike Road Company," for the purpose of constructing a gravel or macadamized road from Lebanon, commencing at or near the mouth of John Shuck's lane, to Raywick, in Marion county. By the said name said company may sue and be sued, hold, acquire, and sell any property, real or personal, necessary for the construction, or conducting after construction, of said road; and may contract and be contracted with, and have and use a common seal.

§ 2. The capital stock of said company shall not exceed twenty thousand dollars, to be divided into shares of fifty dollars each, and each share shall entitle the holder to one vote at any meeting or election held by the stockholders.

§ 3. That T. McAttee, Theodore Spalding, E. A. Graves, James Bell, Jo. Shuck, A. K. Russell, Wm. E. Russell, A. L. Haydon, W. K. Mitchell, Wm. Mitchell, T. J. Clark, A. J. Beall, P. B. Cooper, are hereby appointed commissioners, any two of whom may open books and receive subscription of stock to the capital stock of said company, at such time and places as they designate; and when six thousand dollars of stock is taken, they shall call a meeting of the stockholders, after giving a reasonable notice of the time and place of the meeting, for the purpose of organizing said company by the election of a president and four directors of said company. A

majority of said stockholders shall be competent to hold said election. The said president and directors shall hold their offices until their successors are elected and qualified. They shall have power to appoint a secretary and treasurer of said board, a majority of whom shall be competent to act in all matters authorized by this act to be done by the president and directors of said company. The management of the fiscal and prudential affairs of said company shall be confided to the president and directors, and their successors in office, to be chosen annually at such times and place as the said board may direct, ten days' notice of which shall be given by public advertisement. The board shall continue in office until their successors are elected and qualified. The said board may fill any vacancy therein that may occur. No person shall be a member of said board unless he is a stockholder in said company, and resides in Kentucky.

§ 4. The said board shall have power to appoint gate-keepers, and to remove them at will; also to take from the treasurer bond, with good security, for the faithful performance of his duties, and to remove the secretary and treasurer at will.

§ 5. The road shall not be less than sixteen feet wide; the width of the grade shall not be less than twenty feet wide, and the grade shall not exceed three degrees in any part thereof. The said board shall have the right, whenever two and a half miles of said road is completed, to charge half toll thereon. The said company shall not receive a greater rate of toll than that now fixed by the general laws of the State.

§ 6. That the said board shall have the right to acquire the right of way for said road, and of any earth, stone, gravel, timber, or grounds for toll-houses, by voluntary release or contract: *Provided*, If that cannot be done voluntarily, they may, in the name of said company, have the same condemned by a writ of *ad quod damnum*, sued out of the Marion county court.

§ 7. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 1862.

AN ACT to incorporate the Flemingsburg and Millwood Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body corporate and politic be, and is hereby, created and authorized to be formed and organized, under the name and style of the Flemingsburg and Millwood

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1869. turnpike road company; and under that name and style it shall have perpetual succession; may have a common seal; may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth.

§ 2. The object and business of said corporation shall be to construct, keep up, and maintain a turnpike road, from the town of Flemingsburg, in Fleming county, to or near Millwood, in Mason county, on or near the route designated as follows: Following the Cabin Creek road from Flemingsburg to Mrs. Weir's; thence north through the lands of Heddleson, Dickey, Fields, Hord, Bright, and Morrison, to intersect the Maysville and Mount Sterling turnpike road, at or near Millwood, in Mason county.

§ 3. The capital stock of said company shall not exceed forty thousand dollars, to be divided into shares of fifty dollars each.

§ 4. That books for the subscription of stock in said company may be opened at any time after the passage of this act by Richard Heddleson, J. C. Waugh, William Morrison, J. Morton Alexander, L. F. Bright, W. H. Hendricks, and A. P. Hord, or any two of them, who are hereby constituted commissioners for such purpose. The subscribers for stock in said company shall sign the following obligation, to-wit: "We, whose names are hereunto subscribed, hereby obligate ourselves to pay to the president and directors of the Flemingsburg and Millwood turnpike road company fifty dollars for each share of stock hereby subscribed by us." The number of shares so subscribed by each person shall be designated opposite each subscriber's name; and said subscriptions shall be made in a book in which said obligation shall be written; but said commissioners, or those acting, or the said company after it is organized, may receive conditional subscriptions of stock in said company, conditioned upon the route which said road may take between Flemingsburg and Millwood, or conditioned upon the point at which it shall intersect the Maysville and Mount Sterling turnpike road, or upon any other conditions which may be expressed in writing in any such subscriptions; and such subscriptions shall be valid and binding on the conditions therein stated; and said commissioners, or those acting, or said company after it is organized, may receive subscriptions of stock to said company in real estate, rock, lumber, or other personal property or labor, which shall be valid and binding; and the amount in value of such subscriptions shall be expressed in the respective subscriptions; and if the property is not surrendered or delivered, or the labor performed on the demand of the said company, the value thereof in

money, as expressed in the subscription, may be collected of the subscriber.

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§ 5. As soon as two thousand dollars are subscribed to the stock of said company it may be organized; and to this end, the commissioners acting shall give notice to the subscribers of stock, either by written notices posted up at three public places, or two weekly insertions in a newspaper published at Flemingsburg, of the election of officers of said company, which shall be five directors, one of whom shall be chosen by the directors as president. The time and place of such election shall be stated in said notice; and, after the first election of said officers, the elections thereafter for said officers shall be held in April of each year, of which due notice shall be given by the president. Each stockholder shall be entitled to one vote for each share of stock owned by him, which may be cast in person or by proxy. No one but a stockholder shall be a director. The first election shall be under the supervision of the commissioners, or of those acting. The president and directors shall each take an oath faithfully to perform their duties as such, which shall be certified by the officer administering it, and filed with the papers of the company; and said officers shall serve until their successors are elected and qualified. If any vacancy occurs during the year by death, resignation, or otherwise, the remainder of the directors may, if they deem it necessary, fill the vacancy.

§ 6. The said company, after it is organized, may keep open the books for additional subscription of stock in said company. The Fleming and Mason county courts may each subscribe stock in said company in proportion to the distance which said road, when located, may run in the respective counties.

§ 7. The president and directors may appoint a treasurer and clerk, and prescribe their duties, fix their compensation, and may remove them at pleasure. Said treasurer and clerk shall give bond, with good security, honestly to account for all moneys that may come into their hands, and for the faithful performance of their duties, which bond, and the certificate of such oath, shall be filed and kept with the papers of said company. The said president and directors may appoint a superintendent or agent to superintend the construction of said road and its maintenance afterwards, and gate-keepers, and such other employees as they may deem necessary.

§ 8. The said president and directors shall have power to pass any by-laws, rules and regulations, for their own government, and the government and conduct of said company, its officers and affairs, that they may deem necessary, not inconsistent with this act, or with the Constitution of this State or of the United States.

1869. § 9. The said president and directors may let out for construction any portion of said road as soon as three thousand dollars are subscribed, or may do so after additional subscriptions are received, first determining, before commencing work on the Mason county end of said road, the point where it shall intersect the Maysville and Mt. Sterling turnpike road; and they may go on letting out for construction and completing said road as the subscriptions may, in their opinion, justify them in so doing. And as soon as two and a half miles of said road are completed, they may erect a toll-gate and collect toll for that portion of said road. The charges for toll on said road shall be in conformity with the general law of this State regulating tolls on turnpikes, and they shall only be authorized to charge toll on said road in proportion to the distance traveled, and only for so much of said road as shall be completed, and in good repair for traveling.

§ 10. The said company may receive releases of right of way for said road, and ground for rock quarries and toll-houses, by consent or purchase; and if they deem it necessary, they may, by proceeding instituted in conformity with the existing laws of this State on the subject of turnpike and plank roads (Revised Statutes, chapter 103), condemn land for right of way over which said road may be located, and ground for toll-houses and toll-gates, and rock quarries, just compensation being paid to the owners thereof, to be assessed by a jury empaneled for such purpose according to law as aforesaid.

§ 11. The width of grade and rock to be put on said road shall be left to the discretion of the president and directors, also the elevation of said proposed road. Any person who shall unlawfully obstruct said road shall be subject to a fine of not less than five nor more than fifty dollars therefor, which shall, when collected, be for the use of said company, and shall be recoverable as other fines are recoverable by law. Said president and directors may pass by-laws fixing fines for a failure to pay toll, or for the evasion of toll on said road, which may be recovered as other fines of similar amount are recovered under the laws of this Commonwealth, and be for the use of said company.

§ 12. Said president and directors shall prescribe in what installments the subscription of stock shall be paid; they may borrow money for the use of said company, not exceeding five thousand dollars, and give personal security therefor, or a mortgage on said road and its franchises, which may be enforced and foreclosed.

§ 13. This act shall take effect and be in force from and after its passage.

Approved March 12, 1869.

CHAPTER 1963.

1869.

AN ACT to incorporate the Hopkinsville Hotel Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created in the town of Hopkinsville, Kentucky, a body-politic and corporate, by the name and style of the Hopkinsville Hotel Company, with a capital of thirty thousand dollars, divided into shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall have all the rights and privileges of a natural person in contracting and being contracted with, in suing and being sued, and of impleading, answering, and defending, in all courts and places whatever; and may have and use a common seal, and change the same at pleasure.

§ 2. Said corporation shall be under the control and management of five directors, each of whom shall be a stockholder, residing in this State, and owning at least ten shares of stock in his own right and title. They shall elect one of their number as president, and may appoint a secretary, treasurer, superintendent of building, and such other officers or employes as the interests of the corporation may require. These officers or employes, including the secretary and treasurer, may or may not be stockholders. One person may fill one or more offices at the same time, and any one of the directors, except the president, shall be competent to hold any other office in the corporation. They shall have power to appoint and dismiss any officer or employe; to fix their salaries or compensation; and to take from them such official bonds as they may deem necessary to secure a faithful performance of their respective duties; to make such rules and by-laws as may be necessary for the management of their affairs: *Provided*, They be not in violation of the laws of this State nor of the United States, and to do such other lawful things as may be necessary to carry out the objects of this association.

§ 3. The president shall have a general supervision of the affairs of the corporation, and see that the various officers and employes perform their respective duties. He shall preside at all meetings of the directors, sign all written contracts made with the corporation, and perform such other duties as may be assigned him by the directors and their by-laws.

§ 4. Said corporation may acquire and hold, by lease or in fee, one or more lots or parcels of land in the town of Hopkinsville, Kentucky, not exceeding two acres, and build thereon a convenient and commodious hotel building, and such store-rooms, offices, and other buildings con-

1869. nected therewith, as may be necessary and convenient; may buy and hold all such materials, goods and furniture, as may be necessary to build and furnish said hotel and other buildings; and said corporation may use said buildings and carry on said hotel business upon their own account, or may lease or rent the same to other parties.

§ 5. The corporation shall have the right to borrow on its credit an amount of money not exceeding the paid up capital, and may secure the same by mortgage or otherwise, the rate of interest and time of payment to be such as the directors may determine.

§ 6. Any county court or corporation in this State may subscribe for and own stock in this corporation, a majority of all the justices of any county court, or a majority of the council, directors, or trustees of any corporation, agreeing thereto.

§ 7. On the first Monday in each year, or as soon thereafter as practicably convenient, the stockholders shall elect five directors to serve for the ensuing year, or until their successors are duly elected and qualified. Each stockholder shall be entitled to one vote in all stockholders' meetings for each share of stock owned by him in his own right, and may vote by proxy or in person.

§ 8. Each stockholder shall be individually liable for the debts of the corporation to the amount of the stock owned by him, and no more.

§ 9. The shares of stock shall be personal property, and transferable only on the books of the corporation, under such rules and regulations as the directors may prescribe.

• § 10. John C. Latham, James A. Wallace, S. E. Trice, George Poindexter, and Jo. K. Gant are hereby appointed commissioners, any three of whom, after notifying the other two, may open books and receive subscriptions for the capital stock of said corporation; and when one hundred shares or more have been subscribed, they shall notify the stockholders in such manner they may think best, and appoint a day for the election of five directors, who shall hold office until the ensuing annual election. Payment for the shares subscribed shall be made as follows, viz: Ten dollars on each share at the time of subscribing, and the remainder at such times and in such amounts as the directors may order. Said corporation may commence business as soon as the first board of directors shall have been elected and qualified; and shall have a first lien on the stock to secure any indebtedness to the corporation by the stockholder.

§ 11. Nothing contained in this charter shall be construed as conferring banking powers; and the Legislature reserves the right to alter, amend, or repeal it at will.

§ 12. This act to take effect from its passage, and remain in force thirty years, or until repealed by the General Assembly.

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Approved March 12, 1869.

CHAPTER 1964.

AN ACT for the benefit of the Mechanics of the counties of Butler and Edmonson,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That carpenters, joiners, brick and stone-masons, plasterers, turners, painters, brick-makers, lumber merchants, and all others performing labor, or furnishing materials for the construction or repair of any building within the counties of Butler and Edmonson, shall have a joint and several lien upon the buildings they may be employed to construct or repair, or for which they may furnish materials, to the extent of labor done and materials furnished by them respectively.

§ 2. That any person or persons having a lien under this act may enforce the same by filing a petition in equity in the county in which the building so repaired or constructed is situated, at any time within two years from the completion of the work or furnishing the materials; and all persons having such lien may unite in the petition against the employer, or one or more of them may file a petition against the employer and the other persons having a lien. Each claim shall be clearly and distinctly stated, and as clear and distinct an answer shall be made to the same. The court, on the application of either party, may direct an issue to be made, and a jury called to try the same, as in cases at law; and when the claim of each shall be ascertained, the court shall give judgment for the amount against the owner of the building, and direct the house, and the interest of the employer in the lot or tract of land on which the same is situated, to be sold, on a reasonable credit, bearing interest from date; and shall cause the sale money to be collected and distributed in payment of the amounts decreed to the claimants. The amount due the claimants shall bear interest from the time the same shall become due under the contract of the parties. The court, after all the claimants have been paid, shall direct the surplus to be paid over to the owner of the property, or other person entitled thereto; and should the proceeds of sale prove insufficient to pay all the claimants, then the court shall cause each to be paid in proportion to the

1869. amount of their respective demands, and enter a judgment against the debtor for the balance.

§ 3. That any journeyman who may be employed in the construction or repair of any building within said counties, shall, to the extent of wages for the labor done on such building, have a lien on the same: *Provided*, That such journeyman shall give the owner of the property written notice, before payment is made to the undertaker or building mechanic, that he looks to the property for payment of what may be due to him for labor done on the building. He may file his petition to enforce the lien, and may be, and shall have the right to be made, a defendant to any action or proceeding brought to enforce any lien given by this act. He shall have judgment for the wages due him, and the same shall be paid out of the amount due the undertaker or mechanic, if so much be due to him; and if there be more than one journeyman entitled to a lien under this act, and the amount due to the undertaker or contractor should not be sufficient to pay them all, they shall be paid *pro rata*.

§ 4. That none of the persons named in the first section of this act shall have a lien, if they shall have taken or relied on other security; nor shall any journeyman have a lien, when his principal had none.

§ 5. That the plaintiff or plaintiffs in any suit or proceeding instituted under this act may proceed to the proof of their respective claims immediately on the service of process; and any defendant or defendants claiming a lien may proceed to the proof of their respective claims immediately on filing their respective answers, asserting and specifying their claims. It shall not be necessary for a defendant or defendants, claiming a lien or relief against any plaintiff or co-defendant, to make their answer or answers a cross-action against the plaintiff or co-defendant; but the assertion of their respective claims and liens in their answers, with a prayer for the appropriate or general relief, shall be sufficient to authorize a judgment in their favor.

§ 6. That immediately upon the filing of any petition under the provisions of this act, any defendant shall have the right to file his answer under oath, and the clerk shall indorse thereon the time of filing the same; and the action shall stand for trial as other actions by equitable proceedings.

§ 7. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 1965.

1869.

AN ACT to incorporate the Ladies' Hebrew Benevolent Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sara Goldsmith, president, Fanny Lieber, vice president, Carolina Salomon, cashier, Jenny Weille, secretary, Jenny Adler, Helena Oppenheimer, Emma Fels, Fanny Wille, Sophie Friedman, Jenny Friedman, of the county of McCracken, and city of Paducah, be, and they are hereby, appointed as a board of trustees, under the direction of whom, or any three of whom, subscriptions may be received to the capital stock of the "Ladies' Hebrew Benevolent Society," which is hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said society.

§ 2. That the capital stock of said Ladies' Hebrew Benevolent Society shall be ten thousand dollars, or a less amount; and by that name shall be capable of purchasing, holding, selling, leasing, and conveying real estate, not exceeding one thousand acres, and personal estate, so far as the same may be necessary for the purpose of the corporation, and no further; and shall have perpetual succession; and by said corporate name may sue and be sued, contract and be contracted with; and may have and use a common seal, and alter or renew the same at pleasure; and shall have and enjoy all other privileges which other corporate bodies may lawfully do. And if any subscriber shall fail to pay any installment, or part of an installment, of the amount subscribed by him or herself when demanded, according to the time such installment shall fall due, the same may be recovered by an action in the name of said corporation against such delinquent subscriber, before any court having jurisdiction of such cases; and in all such actions it shall not be necessary to prove any other demand than a publication of such delinquency three months before such action shall be brought.

§ 3. That said board of trustees, or a majority of them, shall call a meeting at such time and place as a majority of them may designate, giving at least ten days' notice of the same in one or more papers published in Paducah; and at such meeting said board of trustees, or a majority of them present, shall have power to elect, by ballot, officers to manage the affairs of said society; said officers to consist of a president, two vice presidents, secretary, and treasurer, who shall receive such compensation as the board of trustees shall deem sufficient for their services.

1869. § 4. That to continue the succession of the president and other officers of said society, an election shall be held annually at such time and place as the board of trustees, or a majority of them, may deem fit; and that the officers so elected shall have power to exercise such power, in controlling the affairs of the corporation, as is necessary to insure its good order and efficiency; and that said officers, before they shall act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment; and that said board of trustees may, by such by-laws as they may enact, require the treasurer to give bond, with such securities as they may prescribe, made payable to said society, conditioned for the faithful keeping and disbursing of all money that may come to his or her hands, and with such other conditions as may be prescribed; upon which bond recovery may be had for a breach of the conditions thereof, by suit in the name of the society, in any court having jurisdiction of the same.

§ 5. That the president, by and with the consent of the said board of trustees, or a majority of them assembled, may appoint such agents and servants as they may deem expedient for the business of the society, and may remove them at pleasure; that they, or a majority of them, may determine the pay of such agents or servants by contract; that said board of trustees, or a majority of them assembled, may pass and adopt all by-laws they may deem necessary or proper for exercising the powers hereby vested in said society, and for carrying into effect this act, and to alter the same at pleasure: *Provided*, The same shall not be contrary to the Constitution and laws of the United States or this State.

Approved March 12, 1869.

CHAPTER 1966.

AN ACT to extend and define the corporate limits of the Town of Russellville, authorize the election of a Police Judge, and provide a Sinking Fund for said Town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Russellville be so extended as to include the following boundary, to-wit: Beginning at a stone to be marked S, situated in the prolongation of Main street in said town, in a southerly direction, and at the terminus of a line running with the center of said street, two hundred and five poles from the intersection of said street and Center street; running

thence at a right angle with the previous line, two hundred and five poles, in a westernly direction, to a stone corner, to be marked S. W. C.; running thence, at a right angle with the previous line, four hundred and ten poles, in a northerly direction, to a stone corner, to be marked N. W. C.; running thence, at a right angle with the previous line, four hundred and ten poles, in an easternly direction, to a stone corner, to be marked N. E. C.; running thence at a right angle with the previous line, four hundred and ten poles, in a southernly direction, to a stone corner, to be marked S. E. C.; running thence, at a right angle with the previous line, two hundred and five poles, in a westernly direction, to the beginning; embracing all the lots, land, and tenements contained in the foregoing boundary; all of said lines and corners to be marked and established on or before the first day of May, 1869, under the supervision of the chairman and board of trustees of said town, or whoever they may appoint to locate and establish the same; and within the said boundary the said corporation shall have all the powers conferred by the charter of said town over its limits, as established before the passage of this act.

1869.

§ 2. That the chairman and board of trustees of said town be, and are hereby, authorized and empowered, in their discretion, at their monthly meeting in May, of each year, to elect a police judge for said town, who shall hold his office for the period of one year, and to have all the rights, and exercise all the powers, of a justice of the peace within the Russellville district of Logan county, Kentucky, to-wit: issue writs in civil and criminal causes, hear and adjudicate all questions within the jurisdiction of a magistrate, in said district; and, in behalf of said corporation, try and determine, without the intervention of a jury, all infractions and violations of the ordinances and by-laws of said town, for all of which he shall be entitled to the same fees that a justice of the peace receives for similar services, and any additional compensation which the chairman and board of trustees may see proper to allow him: *Provided*, That before he shall exercise any of the powers herein conferred, he shall first receive from the chairman and board of trustees of said town a certificate of his election, and take upon himself the same oath, and execute all the bonds which are now, or may hereafter be, required of a justice of the peace of this Commonwealth, which certificate, oath, and bond or bonds, shall be entered of record in the Logan county court. No one shall be eligible to said office unless he is a free white man over twenty-one years of age, and a legal voter in said town. It shall be the duty of said judge to keep the same record, judgment, and execution-books which justices of the peace

1869. are required by law to keep, and appeals from his judgments may be taken in the same manner, and to the same courts, as is authorized by law for appeals from the court of a justice of the peace. He shall hold his court for the trial of civil causes quarterly, and at such times as may be designated by an order of the Logan county court.

§ 3. That paragraph 2d of an act, entitled "An act to amend the charter of the town of Russellville," approved March 5th, 1868, be amended as follows, to-wit: If the said town of Russellville shall create a bonded debt, as herein provided, it shall be the duty of the chairman and board of trustees of said town, and their successors in office, to set apart, annually, two thirds of the annual revenues of said town as a sinking fund, to pay the semi-annual interest on said bonds, and discharge and liquidate the same as they fall due.

§ 4. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 1967.

AN ACT to incorporate the Irvine and Miller's Creek Turnpike and Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created a body-politic and corporate, under the name and style of the Irvine and Miller's Creek Turnpike Road and Bridge Company, for the purpose of constructing an artificial macadamized turnpike road from the town of Irvine to the ford of Miller's creek, where the Irvine and Proctor road crosses said creek, or at some point on the creek near said ford, and to build a bridge across said creek at the point where said pike goes to the said creek.

§ 2. The capital stock of said company shall be thirty thousand dollars, divided into shares of twenty-five dollars each.

§ 3. The following commissioners, or such of them as may choose to act, are appointed to receive subscriptions of stock in said company, viz: J. H. Gardner, Harrison Moore, E. L. Cockrill, William Campbell, B. H. Sole, Frank Fitch, T. C. Reed, G. S. Williams, and William Wiatt, who may open books at such times and places as they or any of them may think proper, until all of said stock, or so much as may be necessary to construct all of said road and bridge, be taken.

§ 4. The commissioners shall procure books, in which the stockholders shall enter into the following obligation, to-wit: We, whose names are hereunto annexed and sub-

scribed, promise to pay to the president, directors, or company of the Irvine and Miller's Creek Turnpike Road and Bridge Company, the sum of twenty-five dollars for each and every share of stock set opposite to our names, in such proportions and [at] such times and places as the president and directors may require: *Provided*, The calls shall be thirty days apart, and that interest is to be paid on the calls, if not paid within thirty days after the calls are made, at the rate of one per cent. per month. 1869.

§ 5. That the stockholders shall be entitled to one vote for every share of stock held by them; and when any stockholder may be absent, he may vote by proxy, in writing.

§ 6. That a president and three directors shall be elected by the stockholders, at a public meeting to be held in the town of Irvine, at such time as said commissioners may deem proper; notice of the time of said election to be given by posting up notices at five or more public places, along the route of the proposed road, and other public places, for ten days previous to the election.

§ 7. That the president, or any two of the directors, may call a meeting of the stockholders, or of the directors, at any time he or they may desire or deem it necessary. The president and two directors shall form a quorum, or, in the absence of the president, then three directors shall form a quorum to transact business; and so soon as two thousand dollars of said stock is subscribed, and the company is organized, said company may commence and proceed with the construction of the road.

§ 8. The board of directors may appoint such other officers as they may deem necessary to conduct the business of the company; may have the power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with; and may make such by-laws as they may deem necessary which do not conflict with the laws of this State.

§ 9. The grade and thickness of the metal shall be determined by the president and directors of said company; one toll-gate to be erected as soon as two miles of said road are completed: *Provided*, That said company shall charge and be entitled to collect the same tolls as are charged on the Richmond and Lexington turnpike road.

§ 10. The president and directors shall have power to locate, build, and establish said road between the points designated on or near the present road leading from Irvine to Proctor, except they may make it by or near the mouth of Cow creek, and may leave the said last named road at such other places as they think proper. They may acquire by purchase, gift, relinquishment, deed, writ of *ad quod dampnum*, or otherwise, the right of way for the road upon the route adopted; and also grounds for the toll.

1869. house, not exceeding an acre for each toll-house, and such timber, rock-quarries, &c., as may be necessary for making and completing and keeping in repair said road, agreeing to pay and paying reasonable compensation therefor; the road to be thirty-five feet wide, and the part of it graded ten feet wide.

§ 11. The county court of Estill county may subscribe stock in said company upon the same conditions as other stockholders.

§ 12. The county judge of Estill county may order an election to be held in the Irvine and Miller's Creek precincts, upon the application of a majority of the commissioners herein named, to be held within thirty days after such application, at which election every qualified voter residing in either of said districts shall be entitled to vote. At said election the sheriff shall open a poll-book as required in general elections; and he shall, by himself or deputy, propound to each voter the following question: "Are you in favor of the Irvine and Miller's Creek precincts subscribing ten thousand dollars stock in the Irvine and Miller's Creek Turnpike and Bridge Company?" If the voter answers in the affirmative, his vote shall be recorded in favor of the subscription; but if in the negative, then his vote shall be recorded against the subscription. Said poll-books shall be compared by the same officers, and in the same manner, that the poll-books of general elections are; and if a majority of the votes cast in the two precincts are in favor of said subscription, the county judge of said county shall, for and on behalf of said two election precincts, subscribe the said sum of ten thousand dollars; and the said two precincts shall hold said stock as a single individual, and the same shall be held as personal property. The county court of Estill county shall have power to levy an ad valorem tax on each one hundred dollars' worth of property owned by the citizens residing in said Irvine and Miller's Creek precincts, and upon any real estate lying in either of said districts, sufficient to pay the calls on said stock aforesaid, to be collected as county levies are; and the sheriff of said county and his sureties shall be liable for said tax on his bond for the county levy. If, at the first election, a majority of the votes are cast against the subscription, another election may be held in the same manner as the first, and so on, from time to time; and, upon the application of the commissioners herein named, the vote may be taken upon a larger or smaller sum than ten thousand dollars, upon the same conditions and for the same purposes; and the county court may levy a tax as herein for the payment of any amount that may be voted by said districts, and the sheriff shall collect the same as provided in this section.

§ 13. That said company may erect a bridge across Miller's creek, and are hereby granted all necessary powers to enable them to build said bridge, and may erect a toll-gate at said bridge, and charge and collect the same rates of toll as are allowed by law on Hickman bridge.

§ 14. The president and directors shall hold their offices for the term of twelve months, excepting the ones first elected; and after the first election, they shall be elected on the first Monday in May of each year, in the manner provided in the sixth section of this act. They shall keep, or cause to be kept, a fair and just account of all moneys which shall be received by them, and of all moneys by them expended in the prosecution of said work; and all cost, charges, and expenses of said road shall be paid and discharged, and the aggregate amount of the same shall be kept and entered on the books of said company. The president and directors, at the end of every year after the completion of the road, shall make a dividend of the clear profits, if any, and pay the same to the stockholders on the first Monday in May of each and every year.

§ 15. That after said road is completed, the board of directors shall erect two toll-gates, and employ a gate-keeper for each gate; take bond from them and fix their salary; and they shall collect the rate of toll herein allowed from persons traveling on or using said road.

§ 16. The stock in said company shall be transferable.

§ 17. That if any of the stockholders in said road fail to pay their calls when due, they shall be liable to suit in any court having jurisdiction.

§ 18. That the said corporation shall have the power to do all other acts and things that is necessary to be done to locate, establish, and complete said road and bridge.

§ 19. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 1968.

AN ACT to amend an act, entitled "An act providing for the subscription of stock in Railroad Companies by the County of Mason."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following explanations and amendments be, and they are hereby, made to the act of which this is an amendment: 1st. The collecting officer referred to in the sixth and seventh sections of said act shall be the sheriff of said county: *Provided*, Said sheriff shall execute the bond required by said act; 2d. In lieu of the compensation contemplated by said act, the compensa-

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tion which shall be allowed for collecting said railroad taxes shall be two and a half per cent. upon the gross amount of the railroad taxes which shall be collected and paid over to the railroad commissioner, who shall be appointed and duly qualified to receive the same.

§ 2. That if the sheriff shall fail or refuse to give such bond when required by the county court, the county court shall appoint a collector to collect said railroad taxes, who shall give bond, with surety, in such form, suited to the occasion, as is prescribed in article second, chapter twenty-six, first volume of the Revised Statutes; and all the provisions of said article second, chapter twenty-six, shall direct and govern the collection of the taxes levied to pay the railroad subscription of said county of Mason to the capital stock of the Maysville and Lexington railroad company, northern division, so far as the same may be applicable and necessary.

§ 3. That the county court of Mason county shall levy and cause to be collected an ad valorem tax upon the taxpayers of said county, in the same manner as other ad valorem county taxes are levied and collected by said court, for the purpose of paying the sheriff and railroad commissioner, and other expenses incident to collecting said railroad taxes and carrying out the objects and purposes of this act, and the law to which this is an amendment.

§ 4. That in the place of the treasurer of the commissioners of the sinking fund, as provided for by said act of March 2, 1867, the county court shall appoint an officer, who shall be designated the railroad commissioner, to whom the sheriff or collector shall pay over the railroad taxes, and who shall have all the official rights and discharge all the duties assigned to said treasurer of the commissioners of the sinking fund, as enjoined by said act of March 2, 1867, and the additional duties imposed by this act. The said railroad commissioner shall hold his office for the term of four years from the date of his appointment, unless sooner removed therefrom by the county court; and in case of his death, resignation, or removal from office, the county court shall appoint a suitable person to fill the vacancy. At the expiration of the first term of four years, the county court may continue said office, if it is deemed necessary, for another term of four years, and appoint the person to hold the office, as in the first instance. Reasonable compensation shall be paid to said railroad commissioner out of the fund provided for in the third section of this act, the amount to be fixed by the county court at the time of his appointment, and subject to be changed annually at the term of the court which makes the county levy.

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§ 5. That each year, at the term of the court when the levy is made for the taxes to pay the subscription of Mason county to the Maysville and Lexington railroad company, Northern Division, and before the railroad commissioner may receive any money or discharge any of the duties of his office, he shall execute bond, with sufficient surety, to the Commonwealth of Kentucky, conditioned that he shall well and truly account for and pay over to the Maysville and Lexington railroad company, Northern Division, all the money which he shall receive from the sheriff or collector; and that said railroad commissioner shall, in all things, well and truly demean himself and perform the duties of railroad commissioner of said Mason county; which said bond may be sued upon, in the name of the Commonwealth, for the use and at the costs of said railroad company, or any other person aggrieved by a violation of the same. And in case of the appointment of any other person as railroad commissioner as provided for by this act, he shall, at the time of his appointment, execute a similar bond, which may be sued upon in the same manner.

§ 6. It shall be the duty of the railroad commissioner to keep a regular set of good and well-bound books, in which he shall make entries of all the money received by him and paid over to the Maysville and Lexington railroad company, Northern Division, and in which books minute statements and explanations shall be made of the separate amounts, and of the persons from whom the taxes are collected, and also of the stock certificates which he shall procure for and pass over to the tax-payers, with such other accounts as shall be necessary for a full understanding of all the business transacted by him.

§ 7. Said books shall be open to the inspection of all tax-payers, as other public records, and especially to such persons as may be delegated thereto by the county court; and said books shall be permanent records of his office, and be delivered over to his successor in this office; and he shall make report of the state and condition of his accounts, whenever required so to do by the county court.

§ 8. This act shall be in force from its passage.

Approved March 12, 1869.

CHAPTER 1969.

AN ACT to incorporate Forest Lodge, No. 308, Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Charles B. Cherry, John C. Ferguson, and R. C. Pace, and their successors in office, be, and they are hereby, constituted a body-politic and corporate, under

1869. the name and style of Forest Lodge, No. 308, of Free and Accepted Masons; and that the officers and members of said lodge, and their successors, shall so continue and have perpetual succession; and by the name and style aforesaid they are hereby made capable in law to sue and be sued, plead and be impleaded, to contract and be contracted with, and to answer and be answered, in all the courts of law and equity of this State or elsewhere; to make, have, and use a common seal, and the same to break, alter, or amend at their pleasure.

§ 2. The said corporation shall have the right to take and hold, by purchase, gift, or devise, real or personal estate to an amount not exceeding twenty thousand dollars; to dispose of and convey the same at their pleasure.

§ 3. The business and affairs of said corporation shall be under the management and control of the three first named officers of the lodge, to be elected annually by the members of said lodge, and whose duties shall be such as shall be prescribed by a majority of the members thereof.

§ 4. The members of said corporation shall have power to pass such by-laws, rules and regulations, as may be necessary for the safe-keeping of the property and other interest of said lodge, not inconsistent with the Constitution of the United States or of the Constitution of this Commonwealth.

§ 5. This act to be in force from its passage.

Approved March 12, 1869.

CHAPTER 1970.

AN ACT to incorporate the Plain City Woolen Manufacturing Company, at Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be, and is hereby established, in the county of McCracken, a corporation, by the name of the "Plain City Woolen Manufacturing Company," with a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each, which may be subscribed for and paid, as herein provided for, by individuals, companies, or corporations. Said corporation, by the name aforesaid, may contract and be contracted with, sue and be sued, answer and defend, in all courts and as to all things involving its rights, as natural persons may, with full power to acquire, hold, use, to purchase and sell and convey, all such real estate, machinery, goods, chattels, and effects, as may be deemed necessary and convenient by its president and directors for the transaction of its business, or which may be acquired as secu-

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city or in payment of debt or demands. It may have and use a common seal, and change or alter it at pleasure. The president and directors, or a majority of them, may make and establish by-laws for the efficient management of its affairs, and fix the salary of its officers, not inconsistent with this charter.

§ 2. The business of said corporation shall be the manufacture of cotton and woolen or other yarns or thread, and manufacture of cotton or woolen or other goods in which it may choose to engage, and to purchase and sell, in or out of the State, stock, materials, and manufactured articles, and may for this purpose appoint agents.

§ 3. That R. S. Ratcliffe, W. F. Norton, Q. Q. Quigley, J. M. Bigger, George Myers, and J. V. Gould, be appointed commissioners, a majority of whom may act to open books at such time and place in Paducah as they may appoint, having first given at least one week's notice in some newspaper or papers published at Paducah; and when not less than one hundred [shares] shall have been subscribed for, and such per cent. thereof as the commissioners shall prescribe in fixing the time of subscription, then said commissioners, by publication of five days in some newspaper of Paducah, or otherwise notifying the stockholders of their first meeting; at which not less than three nor more than five directors shall be elected by a majority of the stock represented at such meeting. The commissioners shall designate the number of directors to be elected. Said directors, when elected, shall complete the organization of the corporation by electing one of their number president, and such other officers as may be necessary for the efficient management of its business. No one shall be eligible as a director unless he be a stockholder, but the qualification of other officers may be provided by the by-laws after the organization. The board of directors shall have control of the business of the corporation, and may keep the books open for further subscriptions until all the stock is taken, after which the holders of a majority of the stock shall have the right to order the books open for subscription of two hundred thousand dollars of additional stock; and said board of directors shall keep full, fair, and complete books of accounts, showing the assets and liabilities of said corporation at all times, and which shall be open constantly to the inspection of any stockholders.

§ 4. That after the first election of directors there shall be an annual election, at such time as may be provided in the by-laws, which it shall be the duty of the board of directors to enact; but each board and its president and other officers shall hold until the election and qualification of their successors; and each successive board shall ap-

1869. point one of their number president, and appoint such other officers as may be provided for by resolution or by-laws; and all officers shall take an oath faithfully and honestly to discharge their duties; and the board shall have power to require such bond and security as they may require by by-laws from their officers, or either of them.

§ 5. At all stockholders' meetings for the election of officers or other purposes, each stockholder shall be allowed one vote for each share that he may own, and which vote may be given by proxy upon written authority.

§ 6. The transfer of stock may be provided for, and its manner of transfer also, by the by-laws.

§ 7. The board of directors may, by resolution, direct that the funds of said corporation be deposited in some national or other incorporated bank.

§ 8. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 1971.

AN ACT for the benefit of the City Court Clerk of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the clerk of the city court of Paducah shall, in each case of felony tried by said court as an examining court, be entitled to the sum of one dollar for taking down the evidence where the party is held over.

§ 2. That so much of the present law as allows the city judge one dollar for taking down the evidence in such cases be, and the same is hereby, repealed.

§ 3. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 1972.

AN ACT to incorporate the Cloverport and Rock Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. R. Pierce, A. B. Skillman, Wm. H. Bowmer, James A. Dean, Thomas O. Moorman, Johnson Dean, and William J. Robertson, be, and are hereby, created a body-politic and corporate, under the name and style of the "Cloverport and Rock Lick turnpike road company;" and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded, in all or any

of the courts of law and equity in this Commonwealth; and shall have all the rights and privileges incident to such corporations.

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§ 2. The subscribers to stock shall enter into the following bond and obligation: "We, whose names are hereunto subscribed, do promise and agree to pay to the president, directors, and company of the Cloverport and Rock Lick turnpike road company, such sums of money as may be set opposite our respective names, in such installments, and in such manner, and at such times, as the said president and directors may prescribe."

§ 3. Books may be opened at such times and places as the incorporators above named may deem proper.

§ 4. The stockholders of said company shall elect a president and five directors, who may hold their offices for one year, or until their successors are duly installed; they shall have control and management of the affairs of the company; and shall, at the annual meeting of the stockholders, submit a report to them of the affairs of the company, and its condition in all respects.

§ 5. They may build such road as they may deem proper, and make such changes in the manner and material of its construction as they may, from time to time, deem proper.

§ 6. The board of directors shall have power to enforce the collection of the stock subscriptions in the proper courts.

§ 7. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 1973.

AN ACT, entitled "An act to amend the Charter of the Town of Slaughter-
tersville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Slaughter-
tersville, in the county of Webster, be, and is hereby, so amended that there may be an election of trustees and town officers generally in said town, on the first Monday in April of each year.

§ 2. That the number of trustees shall be increased from three to five.

§ 3. This act shall take effect from and after its passage.

Approved March 12, 1869.

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CHAPTER 1974.

AN ACT authorizing the Trustees of the Town of South Carrollton, in Muhlenburg County, to open and close streets and alleys in said town with the consent of the property-owners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of South Carrollton, in Muhlenburg county, be, and they are hereby, empowered and authorized to close any street or alley in said town, with the consent of the property-owners living on or adjacent to said street or alley, and are authorized and empowered to open other streets and alleys in said town, with the approval and consent of the property-owners over whose lots such streets or alleys may run.

§ 2. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 1975.

AN ACT to incorporate the State Fire and Marine Insurance Company, of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That George W. Norton, R. S. McKee, R. A. Robinson, J. G. Barret, G. H. Cochran, James Todd, Z. M. Shirley, W. H. Smith, E. D. Standiford, A. A. Gordon, J. J. Porter, and Lyttleton Cooke, their successors, and such others as may hereafter become stockholders in the corporation created by this act, be, and they are hereby, created a body-politic and corporate, by the name and style of the "State Fire and Marine Insurance Company;" and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person. Said corporation may also have and use a common seal, and may alter and change the same at will; and said company shall have all other lawful powers usual and incident to corporations, and which may be requisite and necessary for carrying out the purposes for which it is created.

May insure all
kinds of prop-
erty.

§ 2. Said company is hereby fully authorized and empowered to insure all kinds and descriptions of property against loss, damage, or injury, of any and every kind, nature, and description, and from any cause whatever, for such considerations, and upon such terms and conditions, and subject to such rules, regulations, and restrictions, as may be stipulated and expressed in the respective policies and contracts issued in due form by the company; and it shall be lawful for said company to insure any risk or any part of any risk on which it may have made insurance.

§ 3. The capital stock of said company may consist of such a number of shares, of the par value of one hundred dollars each, from one thousand to ten thousand, as the board of directors may, from time to time, deem expedient; and they may open books, or cause books to be opened, for subscriptions to the capital stock of said company, at such times and places, and subject to such terms and conditions, as they may deem proper; and whenever as many as one thousand shares have been subscribed and paid for, and the same has been invested in the stocks or bonds of this Commonwealth, or stocks or bonds or treasury notes of the United States, or in the bonds of any county or incorporated city in this Commonwealth authorized to be issued in pursuance of any act of the General Assembly, or in the stocks or bonds of any solvent dividend-paying corporation incorporated by the General Assembly of this Commonwealth, and an affidavit to that effect has been filed in the office of the Auditor of Public Accounts by the president and secretary of said company, it shall be the duty of said Auditor to issue to said company a certificate of that fact, which certificate shall be authority for said company to commence business; and said company shall thereupon become invested with all the powers, rights and privileges, conferred by this act.

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Capital stock.

May open books for subscription of stock.

When to commence business

§ 4. The persons named in the first section of this act, or such of them as shall become stockholders in said company, are hereby constituted and appointed the first board of directors for said company, and shall organize by electing one of their number president of the company; and should any of said persons fail or refuse to become stockholders and directors in said company, his or their place or places shall be deemed and treated as vacant, and the vacancy or vacancies may be filled by the remainder. They may also elect from among the stockholders, if they shall see proper, a number sufficient to make the whole board of directors to consist of twenty-one persons.

First board of directors.

§ 5. The property, business, and affairs of said company shall be managed, governed, and controlled by a board of directors, to consist of as many stockholders (not exceeding twenty-one) as the by-laws may, from time to time, prescribe; and the board of directors may, from time to time, enact and put in force such by-laws, rules and regulations, for conducting, managing, and governing its property, business, and affairs, as they may deem proper, not inconsistent with this act or with the Constitution of the United States or this State, and alter, amend, and repeal the same at will. They shall prescribe therein the number of directors necessary to constitute a quorum for the transaction of business. They may also appoint an executive committee, to consist of the president and two or more directors; and

Who to manage affairs of company.

May make by-laws. &c.

May appoint executive committee.

1869. said committee may, when the board is not in session, exercise all the rights and powers vested in said company, except where it has been otherwise provided in the by-laws.

In relation to the appointment or election of officers.

§ 6. The board of directors may provide in the by-laws the mode of electing or appointing, and may elect or appoint such officers, agents, and employes as they may deem proper and necessary for carrying on and managing and conducting the business and affairs of said company; and may prescribe the qualifications, powers, and duties of all its officers, agents, and employes; and may require of any or all of them bonds, in such penalties as they may deem proper, to secure the faithful and honest performance of their respective duties; and upon any bonds thus taken recovery may be had for breaches of the conditions thereof.

In relation to elections of directors.

How stock voted.

§ 7. The board of directors hereinbefore named and provided for shall provide in the by-laws for an election of directors by the stockholders, within one year from the time said company shall commence business, and for annual elections thereafter; and at all such elections each stockholder shall be entitled to one vote for each share of stock which he or she may own, and may cast the same in person or by proxy: *Provided, however,* That no by-law increasing or diminishing the number of directors to be chosen by the stockholders at any meeting shall be adopted within sixty days before the time of any such election: *And provided further,* That all vacancies occurring in the board between regular annual elections may be filled by the remaining directors, or a quorum thereof.

May acquire real estate, &c.

§ 8. Said company is hereby authorized and empowered to lease, purchase, or otherwise acquire and own, hold, use, possess, enjoy, and control, all such real and personal property, goods, chattels, and other things, as may be convenient and desirable for the transaction of its business, or which may be pledged or conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment, or decree, and may grant, bargain, sell, and convey, or otherwise dispose of the same, as a natural person.

May invest capital stock, &c.

§ 9. It shall be lawful for said company to invest its capital stock, surplus earnings, and other moneys, in such stocks, bonds, and other securities or property, as may be deemed most secure, safe, and remunerative; or it may lend or advance the same upon the pledge of such stocks, bonds, or other property or securities, as the board of directors of executive committee may deem proper; and may sell and convey the same without suit and decree of foreclosure, on the non-payment of the debt or demand at the stipulated time of payment, in accordance with any contract or agreement made and entered into

in writing between the parties; and a sale and conveyance thus made shall pass to and vest in the purchaser all right, title, interest, and claim the party making the pledge may have in and to the property pledged; and any power given to make any such sale and conveyance shall be irrevocable until the debt or demand shall have been paid or discharged; and said company shall hold a lien upon the shares of any stockholder who may be indebted to it; and such shares shall not be assignable nor transferred until the debt shall be paid or discharged.

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§ 10. The home office of said company shall be located in the city of Louisville, in the State of Kentucky; but the board of directors may establish branch offices for the transaction of business at such other points, in and out of the State of Kentucky, as they may deem advisable; and may, if they shall see proper, appoint advisory boards of directors or executive committees, near their branch offices or agencies, and prescribe their qualifications, powers, and duties; and the board of directors may do such other acts and things as they may deem expedient and desirable in advancing the general interest and welfare of the company: *Provided*, The same are not contrary to law.

Home office
of company and
branch offices,
&c.

§ 11. This act shall take effect and be in force from and after its passage.

Approved March 12, 1869.

CHAPTER 1976.

AN ACT to incorporate the Town of Greencastle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Greencastle, in Warren, is established and incorporated, with the lots, streets and alleys, and land, in the following boundary, to-wit: Beginning on Big Barren river, at the mouth of Swan creek; thence with the meanders of said creek to Terry Terrence's; thence with the line of William Brown's land to said river; thence with the meanders of said river to the beginning.

§ 2. That Thomas Roup, George A. Shields, Dr. S. Johnson, John M. Scott, and John Thacker, are appointed trustees for said town, who shall have the same power and authority that trustees of other towns in this Commonwealth possess in the general laws regulating towns; and all rights and privileges that may, by general laws regulating towns, be conferred, are hereby conferred on the town of Greencastle.

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said committee may, when the board is not in session, exercise all the rights and powers vested in said company, except where it has been otherwise provided in the by-laws.

In relation to the appointment or election of officers.

§ 6. The board of directors may provide in the by-laws the mode of electing or appointing, and may elect or appoint such officers, agents, and employes as they may deem proper and necessary for carrying on and managing and conducting the business and affairs of said company; and may prescribe the qualifications, powers, and duties of all its officers, agents, and employes; and may require of any or all of them bonds, in such penalties as they may deem proper, to secure the faithful and honest performance of their respective duties; and upon any bonds thus taken recovery may be had for breaches of the conditions thereof.

In relation to elections of directors.

How stock voted.

§ 7. The board of directors hereinbefore named and provided for shall provide in the by-laws for an election of directors by the stockholders, within one year from the time said company shall commence business, and for annual elections thereafter; and at all such elections each stockholder shall be entitled to one vote for each share of stock which he or she may own, and may cast the same in person or by proxy: *Provided, however,* That no by-law increasing or diminishing the number of directors to be chosen by the stockholders at any meeting shall be adopted within sixty days before the time of any such election: *And provided further,* That all vacancies occurring in the board between regular annual elections may be filled by the remaining directors, or a quorum thereof.

May acquire real estate, &c.

§ 8. Said company is hereby authorized and empowered to lease, purchase, or otherwise acquire and own, hold, use, possess, enjoy, and control, all such real and personal property, goods, chattels, and other things, as may be convenient and desirable for the transaction of its business, or which may be pledged or conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment, or decree, and may grant, bargain, sell, and convey, or otherwise dispose of the same, as a natural person.

May invest capital stock, &c.

§ 9. It shall be lawful for said company to invest its capital stock, surplus earnings, and other moneys, in such stocks, bonds, and other securities or property, as may be deemed most secure, safe, and remunerative; or it may lend or advance the same upon the pledge of such stocks, bonds, or other property or securities, as the board of directors of executive committee may deem proper; and may sell and convey the same without suit and decree of foreclosure, on the non-payment of the debt or demand at the stipulated time of payment, in accordance with any contract or agreement made and entered into

in writing between the parties; and a sale and conveyance thus made shall pass to and vest in the purchaser all right, title, interest, and claim the party making the pledge may have in and to the property pledged; and any power given to make any such sale and conveyance shall be irrevocable until the debt or demand shall have been paid or discharged; and said company shall hold a lien upon the shares of any stockholder who may be indebted to it; and such shares shall not be assignable nor transferred until the debt shall be paid or discharged.

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§ 10. The home office of said company shall be located in the city of Louisville, in the State of Kentucky; but the board of directors may establish branch offices for the transaction of business at such other points, in and out of the State of Kentucky, as they may deem advisable; and may, if they shall see proper, appoint advisory boards of directors or executive committees, near their branch offices or agencies, and prescribe their qualifications, powers, and duties; and the board of directors may do such other acts and things as they may deem expedient and desirable in advancing the general interest and welfare of the company: *Provided*, The same are not contrary to law.

Home office
of company at
branch offices.
&c.

§ 11. This act shall take effect and be in force from and after its passage.

Approved March 12, 1869.

CHAPTER 1976.

AN ACT to incorporate the Town of Greencastle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Greencastle, in Warren, is established and incorporated, with the lots, streets and alleys, and land, in the following boundary, to-wit: Beginning on Big Barren river, at the mouth of Swan creek; thence with the meanders of said creek to Terry Terrence's; thence with the line of William Brown's land to said river; thence with the meanders of said river to the beginning.

§ 2. That Thomas Roup, George A. Shields, Dr. S. Johnson, John M. Scott, and John Thacker, are appointed trustees for said town, who shall have the same power and authority that trustees of other towns in this Commonwealth possess in the general laws regulating towns; and all rights and privileges that may, by general laws regulating towns, be conferred, are hereby conferred on the town of Greencastle.

1869. § 3. That it shall be lawful for all the free white male citizens in said town, of the age of twenty-one years and over, who are legal voters of Warren county, annually to elect five trustees for the government of said town, the first election to be held on the first Monday in May, 1869, and annually on the same day in each year thereafter, until which time the present trustees herein appointed shall remain in office, and until their successors are duly qualified.

§ 4. That said trustees shall have power to fill vacancies which may occur in their body until their regular election; they may make such by-laws for the good government of said town as they may deem necessary for the government of said town, not inconsistent with the Constitution and laws of this State; and they shall keep a fair record of their proceedings as trustees; and, before they enter upon their duties as trustees, they shall take an oath before some justice of the peace of said county to faithfully discharge the duties of their offices.

§ 5. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 1977.

AN ACT to establish an additional voting precinct in the County of Jefferson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be, and is hereby established, an additional voting precinct in the county of Jefferson, with the following boundary, viz: Beginning at the Louisville and Frankfort and the Louisville and Lexington railroad, on the line between Col. Stephen Ormsby and Mrs. Young, and running along the line between Col. Ormsby on the one side and Mrs. Young and John G. Herr on the other, to its intersection with the Floyd'sburg road; thence along the line between Col. Ormsby and A. G. Herr to the land of J. M. Delph; thence along the line between J. M. Delph and A. G. Herr to the lane between J. M. Delph and George Herr; thence along said lane to the Brown's-boro turnpike road; thence extending along said road to the land of James S. Bate; thence along the lane between McFerran on the one side, and Jas. S. Bate and Robert Bate on the other, to the land of Clarence Bate; thence on the line between Robert Bate and Clarence Bate to the land of P. D. Barbour; thence on the line between P. D. Barbour and O. W. Taylor on the one side, and Clarence Bate, John Broyles, and James F. Allison on the other, to the county road; thence eastwardly along said road to the

land of R. J. Tarlton; thence along the line between R. J. Tarlton and Mrs. Adams to the land of Mrs. Taylor; then along the line between Mrs. Taylor and Richard Taylor on the one side, and Mr. Chamberlain and Philip Barbour on the other, to the Oldham county line; thence running along said county line to the Floydsburg road; thence westwardly along said road to the land of P. D. Barbour; thence on the line between P. D. Barbour and Mrs. Booker on the one side, and Messrs. Evans, Coleman, Nock, Stevens, and Pennington on the other, to the lands of James and Samuel Hite; thence on a straight course to the line between Mrs. Cartmel and L. L. Dorsey, and along said line to the land of William Herr; thence along the line between William Herr and Mrs. Elias Dorsey on the one side, and L. L. Dorsey and James Hite on the other, to the land of Benson Ormsby; thence westwardly with Mrs. Dorsey's line to the railroad, and along the railroad to the beginning.

1869.

§ 2. The place of voting in the precinct hereby established shall be at Simcoe's Mill, in the village of Springdale, on the Brownsboro road.

§ 3. This act shall take effect from and after its passage.

Approved March 12, 1869.

CHAPTER 1978.

AN ACT to incorporate Paradise Lodge, No. 255, Independent Order of Odd Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the officers of Paradise Lodge, No. 255, and their associates, be, and they are hereby, created a body corporate, by the name and style of Paradise Lodge, No. 255, of the Independent Order of Odd Fellows; and they and their successors shall so continue and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity of this Commonwealth; to make, have, and use a common seal, and may change, alter, or amend the same at their will and pleasure; they may make and ordain regulations and by-laws for their government when deemed proper; may change and renew the same at pleasure: *Provided*, They do not come in conflict with the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the Constitution or

1869. laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, or repeal this act, is hereby reserved to the General Assembly.

§ 2. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 1979.

AN ACT to incorporate Christian Church, at Rush Branch, in Lincoln County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the members of the Christian Church, at Rush Branch, be, and are hereby, created a body-politic and corporate, by the name of the Rush Branch Christian Church, with perpetual succession; and by that name shall be capable of contracting and being contracted with, suing and being sued, of purchasing and holding such real and personal estate as may be deemed necessary for the use and accommodation of said church. They shall have power to receive all necessary conveyances, to sell, convey, and dispose of all such real and personal estate as they may now have or hereafter receive by devise, gift, purchase, or otherwise.

§ 2. That the affairs of said corporation shall be managed by Braddock Withers, John McRoberts, and John W. Logan, as trustees of said church, and as such, have perpetual succession; that said trustees shall have power to fill all vacancies that may occur in the board: *Provided*, Such persons as may be proposed to fill such vacancies shall be, at the time, members of said Christian Church, and in good standing and full fellowship, and that such appointment shall be subject to ratification by the congregation.

§ 3. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 1980.

1869.

AN ACT to incorporate the Cloverport Printing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. R. Pierce, Richard W. Murray, John T. Elder, A. R. Fisher, J. A. Murray, David R. Murray, jr., and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of "The Cloverport Printing Company;" and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued; have a common seal, and alter the same at pleasure; and may make all necessary by-laws and regulations for the government of said company, not inconsistent with the Constitution of the State of Kentucky or of the United States.

§ 2. The capital stock of said company shall not exceed the sum of twenty-five thousand dollars, and shall be divided into shares of fifty dollars, and each share of stock shall be entitled to one vote, and may be cast by the holder thereof either in person or by proxy.

§ 3. Whenever the incorporators above named shall deem that a sufficient amount of stock has been subscribed to render it proper, they shall call a meeting of the stockholders of the company, who shall proceed to the election of a president, a board of five directors, a treasurer, a secretary, and such other officers or agents as may be necessary for the successful operation of the affairs of the company.

§ 3. Books shall be opened for the subscription of stock at such times and places as the incorporators may think proper.

§ 4. The said company may acquire, hold, and possess real estate to any amount not exceeding twenty-five thousand dollars (\$25,000), by devise, grant, gift, bequest, or purchase, and may convey the same at pleasure.

§ 5. The officers elected, as provided for in section 2d of this act, shall hold their offices for one year, or until their successors are duly elected and installed.

§ 6. Whenever a vacancy shall occur in the board of directors, or in any of the offices of said company, the said board shall have power to fill any such vacancy, and may remove the treasurer, secretary, or other officers of the society, at pleasure: *Provided*, That they shall have no power to remove the president of said company.

§ 7. Said company may require such bond from its treasurer, or any of its officers and agents, as they may deem necessary for the security of their assets or the faithful performance of the duties that may be imposed upon its various officers or agents.

1869.

§ 8. Said company may establish a newspaper at Cloverport, and may have the privilege to remove it to any other point they may think proper.

§ 9. No privileges and powers granted in this act shall be construed to mean that this corporation shall have any banking privileges, nor be permitted to exercise any other powers than are intended to be allowed for the successful operation of a printing company, outside of those incident to corporate institutions, and as indicated by the object for which it is intended in its title and purport.

§ 10. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 1981.

AN ACT to amend the Charter of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the city of Louisville be, and the same is hereby, amended so as to authorize said city to enter into a contract with the Louisville, Cincinnati, and Lexington railroad for a change of gauge of said road from five feet to four feet eight and one half inches, and to pay to said company three fifths of the costs of said change.

§ 2. That in the event the said city shall enter into such a contract with the said company, she shall have authority to issue and sell her seven per cent. ten year bonds, so as to realize a sum of money not to exceed one hundred and twenty thousand dollars, and shall provide by ordinance for the payment of the principal and interest thereof by special taxation.

§ 3. This act shall take effect from and after its passage.

Approved March 12, 1869.

CHAPTER 1982.

AN ACT to Charter the Calhoon Mills Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be, and hereby is, established in the county of McLean, a corporation by the name of the "Calhoon Mills Company;" and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and defend, in all cases and in all matters whatsoever as natural per-

sons may do; with full power to acquire, hold, lease, use, and enjoy, and the same to sell, convey, lease, and dispose of, all or any part of such real estate, chattels, goods, and effects, as may be necessary or convenient for the transaction of its business, or which may be acquired as security, or in payment of any debt or demand; may have and use a common seal, alter, change, and renew the same at pleasure; and may make all necessary by-laws for the efficient management of its affairs and conduct of its business; and may do all acts and things, for the purpose of carrying this act into effect, not inconsistent with the laws of the land.

1869.

§ 2. The business of this company shall be the manufacture of flour and meal, and all or any kinds of cotton batting, wool rolls, or woolen or other fabrics; the manufacturing, buying, and selling of any kinds of grain, lumber, and building materials, and any articles for domestic use, agricultural or mechanical purposes, made chiefly of wood, in any or all the departments thereof, and in such manner as may be deemed advisable for the interest of the company; and may acquire, purchase, hold, or lease any real estate, and erect buildings thereon for sale or lease, in addition to the real estate, mills, store-houses, and other property which may be necessary for conducting its business: *Provided*, Such additional property shall not exceed in value at any one time twenty thousand dollars. The propelling or motive power for the mills and machinery of said company may be either water or steam, or both.

§ 3. The capital stock of said company shall be fifty thousand dollars, and may be increased at any time, at the pleasure of said corporation, to an amount not exceeding one hundred thousand dollars; said stock shall be divided into shares of one hundred dollars each, to be subscribed and paid for in money or property, in such manner as the by-laws may prescribe; and it is herein provided that the Calhoon Mills, for the manufacture of grain into meal and flour, may be subscribed by the owners at a sum not exceeding fifteen thousand dollars; and on the organization of the company, two thirds of the agreed price of said Calhoon Mills shall be paid in stock, and the residue shall be paid in the notes of the company, payable not exceeding three years from the organization of the company, bearing six per cent. interest, and a lien on the property reserved to secure the payment of the same; and when the said Calhoon Mills are subscribed and accepted by two or more subscribers of stock to the obligation hereinafter inserted, the company may organize when the gross

1869. subscription amounts to ten thousand dollars, and the stock issued for the property aforesaid shall be, and constitute, paid up stock to that amount.

§ 4. The stock in this company shall be personal property, and may be transferred in such manner as the by-laws may direct. Each share shall entitle the holder to one vote; and stock owned by a *feme covert* shall not be liable for the debts of her husband, and she shall have the right to sell and dispose of the same as other stockholders, and authorize in writing her husband, or any one, to act for her in any business of the company. Stockholders may vote in person or by proxy.

§ 5. That said company shall be managed by three directors, one of whom shall be president, and all of whom shall be stockholders. The president and one director shall constitute a quorum for the transaction of business. The by-laws may invest the president and directors with power to appoint agents, officers, and servants for the company.

§ 6. That John W. Johnson and Isaac Calhoon be, and are hereby, appointed commissioners, one of whom may act, to open a book for the subscription of stock, at such time and place as said commissioner or commissioners may appoint, and the following obligation shall be inserted in the subscription book, to-wit: "We, whose names are hereunto subscribed, severally promise to pay to the Calhoon Mills Company the sum of one hundred dollars for each share of stock set opposite to our names, in such manner as stated by us respectively, and as the same shall be required by said company, to be collected as other debts; and we severally agree that the said company may purchase or take the Calhoon Mills at any sum, not exceeding fifteen thousand dollars, according to the provisions of the act incorporating said company;" and when the sum of ten thousand dollars shall be subscribed, in any manner herein specified, the said commissioners, or one of them, may call a meeting of the stockholders or subscribers, in such manner as may be deemed proper, at such time and place as may be specified by notice in writing to each stockholder, or written notice posted at the door of the court-house, in McLean county, for the purpose of electing directors for said company; and when said directors are elected, the company shall be considered organized, and shall be vested with all the powers herein granted. The residue of stock may be sold in such manner, and in such amounts, and at such times, as the company may determine.

§ 7. The president and directors, with the concurrence of a majority in interest of the stockholders, may borrow or obtain on loan such sums of money, on such terms as

they may deem expedient, and pledge or mortgage any part or all of the estate, improvements, effects and assets, of said company for the repayment of such loans, or any indebtedness: *Provided*, Such loans shall not exceed at any one time the amount of capital stock paid in. 1869.

§ 8. The corporation shall have a lien on the shares of any stockholder who may be indebted to it, and the same shall not be transferred, without the consent of the corporation, until the debt is paid.

§ 9. The stockholders of said corporation shall not be personally liable for any debts, contracts, or engagements of said company beyond the amount of stock subscribed by them respectively.

§ 10. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 1983.

AN ACT for the benefit of Rebecca Timmons, Widow of John Timmons, deceased.

WHEREAS, John Timmons died in this Commonwealth without heirs, except his widow, Rebecca P. Timmons, and there being no person who can inherit his estate, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Rebecca P. Timmons is hereby made the lawful heir of the said John Timmons, deceased, and she is hereby allowed to inherit all the estate of the said decedent that he was the lawful owner of at the time of his death, after a final settlement of said estate and the payment of all the indebtedness of the said decedent.

§ 2. This act shall take effect from and after its passage.

Approved March 12, 1869.

CHAPTER 1984.

AN ACT to change the Place of Voting in Precinct No. 6, in Crittenden County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in precinct No. 6, in Crittenden county, be changed, and that the same be removed from the present place of voting to Mount Vernon school-house, in said precinct.

§ 2. That this act shall take effect from its passage.

Approved March 12, 1869.

1869.

CHAPTER 1985.

AN ACT to enlarge the boundary of Voting Precinct No. 6, in Crittenden County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of voting precinct No. 6, in Crittenden county, be so enlarged as to include within its limits the residences of J. L. Cox, J. B. Hill, and J. H. Hughes.

§ 2. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 1986.

AN ACT for the benefit of the Harrodsburg and Cornishville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the orders and acts of the Mercer county court chartering said company, and all omissions in procuring said charter, are hereby legalized and cured.

§ 2. That the charter of said company be so extended that said turnpike road shall run through Cornishville and on to the county line; and the president and directors of said company are hereby authorized to make said extension, and select and designate a route therefor.

Approved March 12, 1869.

CHAPTER 1987.

AN ACT to revive and amend the Charter of the Stanford and Mason's Gap Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Stanford and Mason's Gap turnpike road company, approved January 26, 1865, be, and the same is hereby, revived; and that said company is given the further time of three years from the first day of April next to open their books and carry into effect the provisions of said act.

§ 2. This act to have effect from its passage.

Approved March 12, 1869.

CHAPTER 1988.

1869.

AN ACT to enlarge the Voting Precinct of Mt. Sterling.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of the Mt. Sterling voting precinct, of Montgomery county, be, and the same is hereby, so enlarged and changed as to include the residences and premises of James H. Roberts and L. A. Glover; and all persons who may live at or on the said premises of Roberts and Glover are allowed to vote in the town of Mt. Sterling.

§ 2. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 1989.

AN ACT to amend an act, entitled "An act to incorporate the Mutual Benevolent Police Union, No. 1, of Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of an act, entitled "An act to incorporate the Mutual Benevolent Police Union, No. 1, of Kentucky," be, and the same is hereby, so amended that a majority of the board of directors may invest all surplus amounts of money that may, from time to time, accrue to the association.

§ 2. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 1990.

AN ACT for the benefit of the German Evangelical Church, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the congregation of the German Evangelical St. John's Church, of the city of Louisville, be, and the same is hereby, authorized to issue bonds of the denomination of five hundred dollars each, to the amount of thirty thousand dollars, with interest coupons attached to the same, which bonds shall bear interest at a rate of interest not exceeding ten per centum per annum, and which interest shall be payable semi-annually, and the principal shall be payable in ten years from the date of the bonds issued under this act.

§ 2. Each of the said bonds shall be signed by the president and secretary of the said congregation, and shall be

1869. sealed with its corporate seal, and shall be made payable to bearer, and transferable as the said congregation may direct by its by-laws.

§ 3. For the purpose of securing the principal and interest of the said bonds, the said congregation is hereby authorized to execute a deed of trust to a trustee by it named for that purpose, and to convey to such trustee in trust, by way of mortgage, for the purpose herein named, the real estate, with the improvements now held by said congregation, or any part thereof; it being the intent and purpose of this act to enable the said congregation to obtain money by loan, to pay a balance due for the completion of their house of worship.

§ 4. This act to take effect from and after its passage.

Approved March 12, 1869.

CHAPTER 1991.

AN ACT to amend the Charter of the City of Henderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the charter of the city of Henderson as provides for the election by the people of an assessor for said city be, and the same is hereby, repealed. It shall be the duty of the common council of said city to appoint an assessor for said city at such time as is now provided by the charter for his election, and he shall enter upon and discharge the duties of said office under the same regulations and restrictions, and with the same obligations, as are now fixed by the said charter. The said city council shall fix the compensation of the assessor; and the power is hereby conferred on them, a majority of all the members concurring on a call of the yeas and nays, which shall be entered of record on the journal of their proceedings, at any time to remove the said officer, and appoint another in his place, the amount of compensation for the services rendered by him, if any, to be fixed by the said common council.

§ 2. The common council of said city shall have power to appoint a chief of police for said city, and it shall be his duty to take active command of all policemen provided for in this act, and such number of day and night policemen in addition as may, in their judgment, be requisite and necessary for the safety of the citizens of the said city and the protection of their property. The chief of police and day and night policemen shall hold their positions for one year, unless removed by the said common council; and it shall be within the power of the said council at any time to remove the said chief of police and day

and night policemen, or any of them, and appoint others in their place; said removal or removals to be made by a majority of all the members upon a call of the yeas and nays, and duly entered in the journal of their proceedings. The said police officers shall discharge the duties of their respective offices under the orders of the mayor and common council of said city; and the said council shall have power to make any and all regulations for the government of the said police force, not inconsistent with the provisions of the charter of the city of Henderson, to which this is an amendment. The pay of such police officers shall be fixed by the common council, per day or month, or by the year, as in their discretion may seem best; and if such officers are employed in any other way than by the year, the said council may at pleasure change the amount of such compensation so to be paid them.

§ 3. The mayor of the city of Henderson shall have power, and he is hereby authorized, to appoint additional policemen for said city whenever, in his judgment, the interests of said city may demand it. The policemen so appointed shall receive the same pay for their services as the regular policemen, for the length of time they may serve: *Provided*, That the mayor of said city shall make such appointments for no greater length of time than the next regular meeting of the city council.

§ 4. This act to take effect and be in force from and after its passage.

Approved March 12, 1869.

CHAPTER 1992.

AN ACT to prohibit the Sale of Ardent Spirits in Knox County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, it shall not be lawful for the county court of Knox county, or any one, to grant a license to any person to vend ardent spirits or malt liquors in said county of Knox. It shall also be unlawful for any merchant, distiller, or other person, to vend ardent spirits or malt liquors in quantities less than a quart, and it not to be drank upon the premises, within the limits or jurisdiction of said county of Knox, except for medical purposes, upon the certificate of a practicing physician.

§ 2. Any person violating the provisions of this act shall be fined fifty dollars for the first offense and one hundred dollars for each succeeding offense, on presentment of a grand jury. That all fines assessed and recovered under the provisions of this act shall inure to the benefit of the Common School Fund of the State.

1869.

§ 3. The judge of the circuit court shall give this act in charge to the grand jury.

§ 4. This act shall not take effect until it shall have been ratified by a majority of all the qualified voters, who shall vote at the August election, 1869; and it shall be the duty of the county court clerk of Knox county to prepare two columns on the poll-books for said election, one to be headed "For prohibition," and the other "Against prohibition;" and the officers of the election shall certify the result of said vote in the same manner as is now prescribed by law for other elections.

Approved March 12, 1869.

CHAPTER 1993.

AN ACT to incorporate the Covington Social Club.

WHEREAS, Charles Fechtu, Charles Kearns, Wright Smith, Robert Howe, and their associates, have formed an association in the city of Covington, for the purposes of refined social intercourse, general improvement, and to afford and extend hospitality to strangers visiting the city, under the name of the Covington Social Club; and said association desires corporate powers, that it may carry on its business as a body, and own and hold property for its uses as a club, and for no other purposes; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the above named parties and their associates be, and are hereby, created and made a body-politic and corporate, under and by the name of the Covington Social Club.

§ 2. That the said corporation, by said name, may sue and be sued in any of the courts of the Commonwealth. It may contract and be contracted with in all matters concerning its business as a club. It may have and use a common seal, and break and alter the same at will. It may adopt such constitution and by-laws as may be necessary for its organization under this charter, and for its government, not inconsistent with the Constitution and laws of this State; and it shall have all the general rights, privileges, and liabilities of incorporated bodies.

§ 3. That said corporation may take and hold by purchase, gift, grant, devise or bequest, personal property to the value of twenty-five thousand dollars, and real property to the value of fifty thousand dollars; but the said property shall be used as a club house, and its appurtenances and appendages, for the purpose of supporting and carrying on the said corporation alone. And the said cor-

poration shall not engage in any other business save that of conducting and controlling its club and club-house.

1869.

§ 4. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 1994.

AN ACT to amend an act, entitled "An act to incorporate the Spring Station Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Spring Station turnpike road company," be amended so that section five shall read as follows: Said commissioners shall, so soon as practicable after the passage of this act, proceed to the organization of said company. There shall be elected by the stockholders (due notice of election being given) a president and five directors, who shall hold their office for one year and until their successors are qualified. Said directors shall elect such officers as may be considered necessary, under such regulations as they may prescribe.

§ 2. The board of directors may erect a toll-gate on said road on the completion of two miles of said road; and section ten (10) of said charter is hereby repealed.

§ 3. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 1995.

AN ACT for the benefit of George W. Belcher and William Harrold, of Breathitt County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George W. Belcher and William Harrold be, and they are hereby, permitted to erect a mill-dam, not to exceed three feet high, across the Southern chute of the Middle Fork of the Kentucky river at Belcher's Island: *Provided*, The same shall be removed at cost of, and without compensation to, parties or owners building the same, on sixty days' notice by resolution or act of the General Assembly.

§ 2. This act to take effect from its passage.

Approved March 12, 1869.

1869.

CHAPTER 1996.

AN ACT to incorporate the Highland Lodge, No. 71, Independent Order of Odd Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the officers of Highland Lodge, No. 71, and their associates, be, and they are hereby, created a body corporate, by the name and style of Highland Lodge, No. 71, of the Independent Order of Odd Fellows; and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government; and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They do not come in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16, 1838, nor in contravention of the Constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty-five thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, or repeal this act, is hereby reserved to the General Assembly.

§ 2. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 1997.

AN ACT to amend the Charter of the Town of Danville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Danville be amended as follows: That, on the first Saturday in April next, at the election of trustees for said town, a poll shall be opened for the election of an attorney, marshal, and town assessor, who shall hold their offices for one year, or until their successors are qualified. This act is not to deprive the board of trustees of said town of the power which they now have to remove the attorney or

marshal from office for any neglect of duty. All acts coming in conflict with this act are hereby repealed.

1869.

§ 2. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 1998.

AN ACT to incorporate the Montgomery Masonic Temple Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Richard Apperson, jr., Charles Gilkey, Lewis Debard, Philip L. Reese, and James M. Clyde, be, and they are hereby, created a body-politic and corporate, by the name and style of the "Montgomery Masonic Temple Company;" and they, with their successors, shall so continue, and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in any court of common law or equity in the Commonwealth and elsewhere; to have and use a common seal, and alter the same at pleasure; and to receive and hold, to themselves and their successors, the freehold or leasehold title to any quantity of land, not exceeding ten acres, and the emoluments, rents, and profits thereof; and to buy, receive, and hold, to themselves and their successors, any real property, tenements, goods and chattels, of any kind whatever, which may be sold, given, granted, devised, or demised in trust to them, for the use and benefit of the members and stockholders of said Montgomery Masonic Temple Company, subject, however, to such limitations and restrictions as may be imposed or reserved by the grantors of such property.

§ 2. Said corporation shall have power to raise money by subscription or borrowing, to any amount not exceeding fifty thousand dollars, and to expend and lay out the same in the purchase of any ground, or the erection, improving, repairing, and furnishing any houses they may deem necessary, subject to the limitations made in the first section.

§ 3. That Richard Apperson, jr., James M. Clyde, Lewis Debard, Philip L. Reese, Charles Gilkey, and Henry Jones, jr., shall be, and are hereby, appointed commissioners to open books of subscription, and raise by subscription, not exceeding fifty thousand dollars in stock, in shares of one hundred dollars each.

§ 4. That whenever one hundred shares of stock shall have been subscribed, said subscribers shall become and be a body-politic and corporate, under the name and style

1869. of the Montgomery Masonic Temple Company, with the powers and privileges enumerated in the first section of this act, and with the further power to make and pass all necessary by-laws, and alter and amend the same, and shall keep a record of the same, and of their proceedings, and have perpetual succession.

§ 5. That as many of the commissioners named in the third section as shall become stockholders under this charter shall constitute the first board of directors of this corporation, with the power of choosing one of their own body, or any one of the stockholders, president, and of electing directors in place of those commissioners who do not become stockholders under this charter.

§ 6. That stock in this corporation shall be personal estate, and pass by assignment on stock books, to be kept by the corporation, and to be assigned as the by-laws shall direct; and each full share shall entitle the holder to one vote at all elections and meetings of the stockholders.

§ 7. That there shall be an annual election of a president and five directors, at such time and place as the by-laws shall direct, under the supervision of two stockholders, who are not directors; and the president and directors shall hold their offices until their successors are elected; and shall have power to fill vacancies in their own body, happening by death, resignation, or otherwise.

§ 8. That Montgomery Lodge, No. 23, of Free and Accepted Masons, and all other Masonic Lodges that may desire to do so, are hereby empowered and authorized to take stock in said corporation.

§ 9. That the president and directors of said corporation are hereby authorized and empowered to create such other offices as they may deem necessary to carry out the purposes and objects of the corporation, and to fill said offices by appointment.

§ 10. That Montgomery Lodge, No. 23, of Masons, shall have the privilege of buying out stockholders who are not affiliated Masons, at any time, by paying them the amounts they have subscribed and paid up, and ten per cent. interest thereon from the date of the last dividend.

§ 11. That the directors of said corporation may require the payments of the sums subscribed to the capital stock of said company at such times, and in such proportions, and upon such conditions, as they may deem fit; and should any stockholders neglect or refuse to make payment pursuant to the requisition of the board of directors, the stock of such stockholder may be sold at public auction in sixty days after such failure; and after paying what is due to the company, the balance, if any, is to be paid to such delinquent stockholder.

§ 12. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 1999.

1869.

AN ACT for the benefit of Doven Hendren.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county line between Garrard and Boyle counties be so changed as to include the farm of Doven Hendren in Boyle county.

§ 2. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 2000.

AN ACT to incorporate the Town of Breman, in Muhlenburg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the citizens of the town of Breman, in Muhlenburg county, be, and are hereby, created a body-politic and corporate, under the name of the town of Breman, with full power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered, and to do all such acts and things, either in law or equity, as bodies-politic and corporate having perpetual succession may rightfully do and perform. This town may be laid off into necessary streets and alleys and lots of convenient size; and a plat of said town, when so laid off, shall be recorded in the office of the clerk of the Muhlenburg county court.

§ 2. The limits of said town shall be as follows, viz: Beginning at a white oak near William Hendrick's fence; running thence south eighty-two degrees, east one hundred and eighty poles, to a stake; thence north fifteen degrees, west sixty poles, to a stake; thence north eighty-two degrees, west one hundred and eighty-four poles, to a stake; thence south eighteen degrees, east sixty-one poles, to the beginning

§ 3. That William C. Eades, D. D. Robertson, Jesse Hill, and Dr. B. W. Woodburn, are hereby appointed trustees of said town, who shall appoint one of their number president of the board, and shall continue in office until their successors are elected and have qualified.

§ 4. On the first Saturday in June next, and on the same day in each succeeding year, an election shall be held in said town for the choice of five trustees; and all persons shall have a right to vote for trustees of said town who are free white male inhabitants thereof, who have attained the age of twenty-one years. Said trustees, when elected, shall have the same powers and authority which trustees

1869. of other towns have under the general laws of this Commonwealth.

§ 5. They shall take the oath truly and faithfully to perform the duties imposed upon them by law as trustees. Said trustees shall meet and choose from among their number a president of the board, who shall hold his office until the next annual election, and whose duty it shall be to convene the trustees from time to time, to preside at their meetings, and to sign all ordinances and by-laws of said town by them passed and enacted. Said trustees shall also elect a clerk, who shall continue in office for one year, whose duty it shall be to keep and preserve all papers belonging to or filed with said board, and shall attend the meetings thereof, and record all the proceedings in a book to be procured by said board for that purpose, and shall sign the same as such clerk; and shall copy and certify all records and ordinances when necessary. Said trustees shall have power to appoint a treasurer, who shall keep the funds of said town safe, and pay the same over, by order of said board, to such person or persons as he shall be directed. Said board may require bond and security of said treasurer.

§ 6. Said trustees shall have power to assess a poll-tax on the legal tithables of said town not exceeding two dollars and fifty cents, and levy an ad valorem tax on the real and personal estate within said town that is now taxed by the revenue laws of the Commonwealth, not to exceed thirty cents on each one hundred dollars' worth of property. Said trustees shall have power to appoint, annually, an assessor, who shall be sworn to the faithful and impartial discharge of his duty. It shall be the duty of said assessor to make out and furnish to the said trustees, at such time as they may appoint, lists of the taxable property of each individual in said town, with the value attached thereto, and also a list of the lots and the value thereof, which belong to individuals who do not reside in said town. They shall also have power to appoint a collector, annually, to collect the taxes assessed on the taxable property and tithes in said town, who shall give bond, with security, to the trustees of said town. They shall also have power to appoint a collector, annually, to collect the taxes assessed on the taxable property and tithes in said town, who shall give bond and security to the trustees of said town for the faithful performance of all his duties. Said collector shall have power, if necessary, to collect and coerce the payment of all the taxes assessed by the trustees of said town, by distress and sale, in the same manner as is now authorized by law in regard to sheriffs in collecting the revenue and county levy in this Commonwealth. Said trustees shall allow to said clerk, treasurer,

assessor, and collector, an adequate compensation for their services.

1869.

§ 7. A police judge shall also be elected by the qualified voters of said town on the first Saturday in June, 1869, and on every second year thereafter, and on the first Saturday in June, 1869, and every second year thereafter, a town marshal. Said police judge shall be commissioned by the Governor. He shall have jurisdiction of all cases arising in said town for a violation of any of the ordinances and by-laws of said town; and shall have the same jurisdiction as justices of the peace of this Commonwealth in criminal, penal, and civil causes, occurring within the limits of said town, and shall have the same fees as is now allowed justices of the peace for similar services. The town marshal shall execute bond in the county court, in the same manner, and with the same covenants, as is now required by law of constables. He shall have the same powers and jurisdiction in said town as are conferred by law upon constables; be entitled to the same fees for similar services, and be responsible in like manner; and said marshal may be proceeded against in the same manner, and before the same courts, as is required of constables under similar circumstances.

§ 8. Vacancies in the office of trustee may be supplied for the remainder of the term by appointment of those remaining; but vacancies in the office of police judge and town marshal shall be filled by an election for the remainder of the term, by the qualified voters of said town, at such time as the trustees may appoint, after at least ten days' notice thereof shall have been given by public advertisement at three of the most public places therein.

§ 9. A majority of the trustees shall constitute a quorum for the transaction of business; and in the absence of the president elect, the trustees may choose one of their number as president *pro tem.*, whose acts shall have the same force and effect of those of the president.

§ 10. Any vacancy which may occur in those offices which are of the trustees' appointment, may be supplied by them.

§ 11. The trustees may appoint their clerk, in addition to his own office, to the offices of assessor, collector, and treasurer, or they may elect a different person to fill each of said offices.

§ 12. This act to take effect from and after its passage.

Approved March 12, 1869.

LAWS OF KENTUCKY.

1869.

CHAPTER 2001.

AN ACT to amend an act, entitled "An act to incorporate the Versailles and McCracken's Mill Turnpike Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Versailles and McCracken's Mill turnpike company," be so amended that said company shall have power to continue its road from its present terminus to the city of Frankfort, over the most practicable route by the way of Glen's creek, under the same conditions as are now embraced in their charter.

§ 2. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 2002.

AN ACT to define the line between Magistrates' District No. 1 and District No. 5, in Magoffin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line between magistrates' district No. 1 and district No. 5, or Whitaker's Mills district, in Magoffin county, be, and the same is hereby, defined to hereafter run as follows: Beginning at the mouth of a small drain, near the school-house, on the lands of Kelsey N. Fletcher; thence crossing Licking river, and running so as to include the residence of Johnson Medley in district No. 1, and to strike the center of the dividing ridge between Licking river and Burning Spring Fork of Licking river, and running to the Floyd county line, including all of said Burning Fork and its waters in district No. 1, and including all on Licking river as high up said river as the line above defined in district No. 1. The other lines of said districts to remain as now fixed.

§ 2. This act to take effect from its passage.

Approved March 12, 1869.

CHAPTER 2003.

AN ACT to amend the Charter of the Town of Sonora.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees shall have power, a majority concurring, to remove from office any corporation officer for incapacity, neglect of duty, or refusal to act; and the trustees shall have power to fill all offices within the cor-

1869.

poration—that is, the unexpired term that may occur from death, resignation, removal, or other cause of vacation; shall have power to appoint, once a year, an assessor and tax collector. In case of the appointment of corporation judge, it shall be the duty of the chairman of the board to certify to the appointment, and forward a copy to the Secretary of State; and it shall be the duty of the Governor to cause a commission to be issued to the person so appointed marshal; and he shall take an oath, and give bond, as now prescribed by law. The tax collector, before entering on the duties of his office, shall give bond, with approved security, covering amount of taxes to be collected, and take an oath before some magistrate or judge, to faithfully discharge the duties of his office. The assessor shall, before entering on his duties, take an oath to faithfully discharge the duties of his office. It shall be the duty of those appointed to fill vacancies in the board of trustees to take an oath as now required.

§ 2. The trustees shall have power to close any tavern, saloon, eating-house, or place of amusement, when in their judgment the public good requires it, and shall have power to suppress all gaming within the corporation, by fine or imprisonment. Fines shall not exceed one hundred dollars in each case, and imprisonment not to exceed ten days.

§ 3. Trustees shall have power to declare what is nuisance, and impose fines for same. Shall have power to buy or sell any ground in the town for streets, alleys, or sidewalks, and may condemn any ground within the town for streets, alleys, or sidewalks, when, in their judgment, the good of the town requires it, paying the owner a fair valuation.

§ 4. Trustees shall have power to levy and collect a poll-tax on each white male over twenty-one years in the corporation, not to exceed one dollar, and an ad valorem tax, not over fifty cents on one hundred dollars, of all property that State tax is paid on.

§ 5. Trustees shall have power to establish a guard-house for the purpose of keeping all prisoners or riotous persons; and when persons are fined and refuse to pay said fine, shall have power to imprison them in the county jail, or force them to work on any public work within the corporation, at two dollars per day, until said fine and cost are paid.

§ 6. All previous acts in conflict with this act are hereby repealed.

§ 7. This act shall take effect from its passage.

Approved March 12, 1869.

1869.

CHAPTER 2004.

AN ACT to change the Line of the Springfield Civil District, in Washington County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line of the Springfield civil district, in Washington county, shall be changed as follows: Commencing where the line of said district strikes the Little Beech Fork, above the mouth of Pleasant Run; thence up the Beech Fork, so as to include the residence of Charles F. Haydon, to the mouth of Kendrick's branch; thence up said branch to the Springfield and Perryville turnpike road; and thence with said turnpike to Pleasant Run.

§ 2. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 2005.

AN ACT to charter the Morningview Branch Turnpike Road Company, in Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, created, under the name and style of the Morningview Branch Turnpike Road Company, which shall be a body-politic and corporate, for the purpose of constructing a turnpike road, on the McAdam's plan, from Mullins' Station, on Kentucky Central railroad, to the Independence and Colemansville turnpike road, at or near Mrs. Culbertson's, in Kenton county, upon such route as the president and directors shall select. They shall have the power, and it shall be their duty, to call to their aid some competent engineer in the location of said road.

§ 2. The capital stock of said company shall be ten thousand dollars, to be divided into shares of fifty dollars each.

§ 3. Books shall be opened at convenient places for the subscription of stock in said company, under the direction of H. H. Mullins, William Mann, G. H. Mullins, Francis Hendy, and J. H. H. Daniel, commissioners, any of whom may procure a book or books, in which the subscribers of stock in said company shall enter into the following obligation: "We, whose names are hereto subscribed, do respectively promise to pay to the Morningview Branch turnpike road company the sum of fifty dollars for each and every share of stock in said company set opposite our names, in such manner and proportions, and at such times, as shall be required by the president and directors of said company."

1869.

§ 4. The book or books shall be opened as soon as said commissioners shall deem proper, and remain so until the whole capital stock, or enough thereof to complete the road, shall have been subscribed.

§ 5. As soon as six thousand dollars of stock shall have been subscribed in good faith, by responsible persons, it shall be the duty of said commissioners, or some one of them, to give notice of a meeting of the stockholders of said company, at some convenient point, for the purpose of electing officers, which shall be given by notices in writing at three of the most public places on or near the line of the contemplated road, for at least ten days previous to the meeting; and at said meeting, at least two of said commissioners must be present to superintend the election. There shall be elected a president and five directors, who shall hold their offices for one year from the day of their election, and until their successors are elected and duly qualified. The said directors shall elect a treasurer and such other officers as they may deem necessary; and said treasurer shall, before entering upon the duties of his office, execute bond, with security approved by the directory, to the effect that he will perform the duties of his office; and whenever a demand is made upon him by the directory, or their authorized agent, pay over any and all sums of money that may be in his hands as treasurer.

§ 6. The stockholders, at all elections, shall be entitled to one vote for each share of stock in said company, which vote or votes may be given in person or by written proxy.

§ 7. It shall be lawful for the president and directors, with their superintendents, engineers, and workmen, with their tools, instruments, carts, wagons, and other carriages, and their beasts of draught and burden, to enter upon the land in and over, contiguous and near to which said road shall pass, having first given notice of their intention to the owners or occupiers thereof, or their agent: *Provided*, That if the president and directors shall not agree with the owners of said land, over or through which said road is to pass, as to damages the owner or owners may sustain by reason of the road passing through their lands, the president and directors shall apply to the county court of Kenton county for a writ of *ad quod damnum* to assess the damages which may be sustained by the owners of said land; and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry away gravel or other material necessary for the construction or repairing said road, after paying the owner the value of the same.

§ 8. The president and directors shall severally take an

1869. oath faithfully to discharge the duties of their respective offices to the best of their ability.

§ 9. That said president and directors may put said road under contract, whenever in their judgment a sufficient amount of stock has been subscribed to justify the same.

§ 10. The grade on said road, the width and depth of stone, and the width of the road outside of the metal on the same, shall be left to the discretion of the directors of said road.

§ 11. That the president and directors of said road, when the same is completed, shall, with the aid of some competent person or engineer, view said road, and report to the county court the quality and condition of said road; and said county court, upon hearing said report, if it appears that said road has been constructed according to law, the court shall make an order authorizing the erection of a gate and the collection of tolls in pursuance of the rates now allowed by law on the Independence and Colemansville turnpike road.

§ 12. That the said company may sue and be sued, plead and be impleaded, contract and be contracted with, and in all litigations shall be dealt with as a natural person.

§ 13. That any of the stockholders in said road failing to pay their calls when due, shall be subject to suit in any of the courts in this Commonwealth having jurisdiction of the matter in controversy. They shall likewise pay interest at the rate of six per cent. per annum thereon until paid.

§ 14. It shall be the duty of the president and directors to keep a record of their proceedings in a well-bound book, and the same shall be open to inspection by the stockholders in said road at all times.

§ 15. This act shall be in force from and after its passage.

Approved March 12, 1869.

CHAPTER 2006.

AN ACT to incorporate the Maxville, Willisburg, and Louisville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated, under the name and style of "The Maxville, Willisburg, and Louisville Turnpike Road Company," for the purpose of constructing a macadamized or gravel road from Maxville, in Washington county, by the way of Willisburg, in the direction of Louisville; and by that name it may sue and be sued, plead and be impleaded, in the same manner as nat-

ural persons; contract and be contracted with, and acquire and hold all real and personal property necessary for the purpose of constructing said road and carrying out the objects of this act, and sell and convey the same, and purchase other property, as the interest of said company may require.

1860.

§ 2. The capital stock of said company shall be thirty thousand dollars, divided into shares of twenty-five dollars each; and if it shall be ascertained that the amount of said capital stock will not make said road and the bridges necessary for it, then the board of directors may increase the capital stock to any sum not exceeding fifty thousand dollars.

§ 3. That the fiscal and prudential affairs of said company shall be invested in a president and seven directors, who shall be stockholders, to be chosen by the stockholders; a majority of those voting, at any regular election, shall determine the election; each stockholder shall have one vote for each share of stock he may own, and may vote in person or by proxy. The said president and directors shall be elected for one year, and until their successors are elected and qualified; they shall fill all vacancies in their board; they may appoint a secretary and treasurer, and take from them bonds for the faithful performance of their duties; the same person may be both treasurer and secretary.

§ 4. That Uriah Shewmaker, Samuel Kirkendall, John M. Smith, Henry Brown, Z. C. Merrett, Lynn Hudson, Andrew Pinkston, Nelson Shirly, B. F. Scruggs, Turner Colven, Daniel Cheatham, William Hardesty, W. B. McMeeken, F. R. Neale, jr., and James B. Hays, or any two of them, are appointed commissioners to open books and receive subscriptions of stock to said company, which shall be in writing in substance as follows: "We severally promise to pay to the president and directors of the Maxville, Willisburg, and Louisville turnpike road company twenty-five dollars for each share of stock set opposite our respective names, to be paid in such installments as said board may direct, by public notice, this — day of ———." That whenever six thousand dollars of said capital stock shall have been taken, the said commissioners shall call a meeting of said stockholders, who shall elect a president and directors, as provided in section three: *Provided*, That when any person shall not write his own name to the subscription of stock in said company, such subscription shall be attested by at least two of said commissioners, whose attestation shall be made simultaneous with the making said subscription: *And provided*, After the said directors are elected and qualified, they shall have power to open said books, and keep them open until the capital stock is taken; and when opened by them, two of

1869. said directors shall attest the subscription for stock made by persons not writing their names, the attestation to be made at the time the stock was subscribed for.

§ 5. That said president and directors shall have full power to fix the western terminus of said road, and the width and grade of said road, and what part of said road shall be made of stone or gravel; they may let out any part of said road, to be paid for in part or whole in the stock of said company, at rates not exceeding the estimates of the engineer; they shall have power to fix the rates of toll on said road, not exceeding six per cent. upon the capital stock of said company actually subscribed and paid in. Whenever two and a half miles of said road are completed, they may erect a toll gate and collect half toll. All the tolls received on said road over paying the current expenses of said road, shall be applied to the construction of said road until it is completed. The said president and directors shall have all powers, not inconsistent with the Constitution of the United States or of the Constitution and laws of this State, that is necessary to carry out any of the powers herein expressly granted.

§ 6. That the civil districts in which said road may be located, in Washington and Nelson counties, are authorized to vote a tax on themselves, not exceeding twenty cents on the hundred dollars of property subject to State revenue, owned within said districts. The vote shall be taken at some regular election by an order of the county judge of each of said counties; and if a majority of the votes cast in any of said civil districts shall be in favor of said tax, then the county judge of the county in which said civil district is, shall levy the tax. The sheriff of such county shall collect the same, and pay it over at the same time that he pays the county levy; and he and his sureties on his official bond shall be responsible for the faithful collection and paying over of the same. The payment shall be to the treasurer of said company, whose receipts shall be a voucher for the same: *Provided*, That the court may apportion said tax into installments not exceeding three years, and order the collection of the same in accordance; and the tax thus collected shall be stock in said road, and entitle the payer of it to certificate to stock to that extent.

§ 7. That said company may have all the powers and rights conferred on turnpike road companies by chapter 103 of the Revised Statutes, title "Turnpike and Plank Roads," and the amendments thereto, not inconsistent with this act; and may use the road-beds now leading from or in the direction of the said western terminus of said road in the construction of their said road.

§ 8. This act shall take effect from its passage.

Approved March 12, 1869.

CHAPTER 2007.

1869.

AN ACT for the benefit of John C. Howard, late Sheriff of Harlan County.

WHEREAS, It is made known to this General Assembly that John C. Howard was, on or about the — day of —, 1867, arrested by a United States marshal and carried to the city of Louisville; and, by reason of said arrest and imprisonment, he was prevented from paying into the Treasury of the State the revenue due from Harlan county for the year 1867; and at the January term of the Franklin circuit court, 1868, judgment was rendered against said John C. Howard, sheriff of Harlan county, and his sureties, for revenue due the State, with twenty per cent. damages, and interest on same; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the judgment in favor of the Commonwealth against John C. Howard and his sureties, as was for damages amounting to three hundred and six dollars, be, and the same is hereby, remitted: *Provided*, That said Howard and his sureties shall pay the residue of said judgment, including all costs, fees, interest, and attorney's fees, into the Treasury on or before the first day of June, 1869.

§ 2. This act shall take effect from its passage.

Approved March 13, 1869.

CHAPTER 2008.

AN ACT to incorporate the Boone's Knob Monumental Association.

WHEREAS, The remains of Daniel Boone having been removed to Kentucky; and whereas, Boone's Knob, in the county of Jessamine (where he sojourned for a time when penetrating the wilds of the dark and bloody ground), affords a fine elevation and a beautiful site for a shaft to his memory, where the traveler through the interior of the State can look with admiration upon a fitting testimonial of respect to the memory of the great pioneer soldier; and whereas, it is meet and proper that all the citizens of Kentucky should have an opportunity of testifying their respect in more than one monumental enterprise to their distinguished pioneer dead, by contributing to the erection of this additional monument to his memory; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. L. McAfee, O. H. Perry, Capt. T. T. Cogar, E. J. Curley, Capt. Will. F. Hoch, John W. Poor, Gratten Hanly, and Wm. Watts, and their successors in office, be,

1869.

and they are hereby, created a body corporate, under the name and style of the Boone's Knob Monumental Association.

§ 2. Said corporation shall have power to fill vacancies that may occur, and to appoint a treasurer and such other officers as they may see fit. They may appoint agents throughout the State, and such other agents as they may deem necessary, for the purpose of receiving subscriptions and donations, to be appropriated to erecting a monument to perpetuate the memory of Daniel Boone. They shall have power to receive all bequests and contributions that may be made for that purpose, and to use a common seal for the purpose of authenticating their agencies.

§ 3. This act shall take effect from and after its passage.

Approved March 13, 1869.

CHAPTER 2009.

AN ACT to incorporate the Metropolis and Southwestern Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That John A. Logan, John M. Crebbs, Green B. Rann, John A. McClelland, W. H. Green, A. J. Kuykendall, W. J. Ward, Wm. McBean, Wm. R. Bruner, George W. Brown, Alfred Cutting, R. G. B. McKee, William R. Brown, and Jonathan C. Willis, of Illinois; and Oscar Turner, R. K. Williams, J. T. Boyle, John Ogilvie, and George Ratcliff, of Kentucky; A. E. Burnside, of Rhode Island; Charles Guthrie, of New York, and David Tate, of Mississippi, be, and they are hereby, created a body politic and corporate, with perpetual succession, by the name of the Metropolis and Southwestern Railroad Company; and by that name may sue and be sued, plead and be impleaded, in all the courts of this Commonwealth and elsewhere; and are authorized, at any time and place, within twelve months from the passage of this act, to open books of subscription for the capital stock, and superintend the organization of the said Southwestern railroad company; which corporation, when organized, may have and use a common seal, and alter the same at pleasure; may contract and be contracted with, and may receive, purchase, hold, convey, mortgage, lease, and deliver real and personal property for the purposes hereinafter mentioned; and shall have all the powers, privileges, rights and immunities, which are or may be necessary and proper to carry into effect the objects and purposes of this act.

§ 2. The Metropolis and Southwestern railroad company shall have power and authority to locate, and, from time to time, to alter, change, and relocate, construct, reconstruct, and to fully finish, equip and maintain, a railroad, with one or more tracks, from a point in McCracken county, Kentucky, opposite or within two miles of the corporate limits of the city of Metropolis, Massac county, Illinois, in McCracken county, in the State of Kentucky, to connect at any point on the line of the New Orleans and Ohio railroad, running into Paducah, that the said incorporators may determine; and said railroad company shall have full power at any time to extend their said railroad in the direction of Jackson, Tennessee, so as to reach said city by their own road, or some other railroad line.

1869.

May locate road, &c.

§ 3. The said company, and, under their direction, their agents, servants, and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the State, or to any person or persons, body-politic or corporate, and survey and take levels of the same, or any part thereof, and to ascertain and set out such part or parts as they shall think necessary or proper for making said railroad; and also to make, build, or set up in and upon the route of said railroad, or upon the land adjoining or near the same, all such works, ways or roads, and conveniences, as may be requisite and convenient for the purposes of said railroad; and also, from time to time, to alter, repair, reconstruct, widen, or enlarge the same, or any of the conveniences above mentioned, as well for the carrying and conveying goods, commodities, timber, and other things, to and upon the said railroad, as for carrying all kinds of materials necessary for the making, erecting, furnishing, altering, repairing, amending, reconstructing, or enlarging the works of or connected with the said railroad; and contract or agree with the owner or owners thereof for earth, timber, stone, sand, gravel, or other materials, or any article whatever which may be wanted in the construction of said railroad; said company doing as little damage as possible in the execution of the powers hereby granted, and making satisfaction in the manner hereinafter mentioned for all damages, if any there be, sustained by the owner or owners of said land.

May enter upon lands, &c.

May erect works, ways, &c.

§ 4. Said company may agree with owner or owners of such lands as the company may wish to use or occupy for the purpose of said railroad, or for the purpose of procuring said gravel, stone, sand, earth, timber, or other material to be used in the construction of said railroad, or for the repair of the same; and in case said company cannot agree with the owner or owners of all or any part of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owner or owners, or if the

In relation to procuring gravel, stone, sand, &c.

1869.

Writ of ad
quod damnum
may be sued
out.

owner or owners thereof, or any or either of them, be a *feme covert*, an infant, *non compos mentis*, unknown or a non-resident, or out of the county in which the lands or any property wanted be situated, the same may be taken, condemned, and paid for, by first suing out a writ of *ad quod damnum*, by filing a petition in the clerk's office of any county through which the road may run, in the circuit court thereof, describing the property necessary to be taken for the purposes of this corporation; and it is thereupon made the duty of the clerks of each and every county so applied to, to issue a writ of *ad quod damnum* out of each of their respective courts, directing the sheriff to summons twenty freeholders, citizens of said county, upon the property sought to be condemned upon a given day, not more than ten days after the reception of said writ. Should said jurors fail to attend, or any of them, the sheriff shall immediately supply their places until the full number of twenty shall have been obtained; and, thereupon, either party, in person or by attorney, if present, shall strike from said list four jurors. The remaining twelve shall constitute the jury to assess the value of the property sought to be condemned; and, thereupon, the sheriff shall swear said jury to well and truly value the property, and a true valuation rendered in writing, which verdict of the jury shall be returned to the circuit clerk's office out of which it issued; and if no sufficient reason shall be shown against the same, at the first term of said court after the same shall have been filed, the same shall be confirmed by the court, and judgment given against said corporation for value of the property taken; and upon payment of the same to the party or his or her attorney, or, in case of non-residency, to the sheriff of the county, or, in case of person *non compos mentis*, to his or her committee, if any; if none, then to the sheriff of the county, or, in case of infants, then to the guardians of such infants, the company shall have the right to appropriate and use the property so condemned for the purposes herein authorized. Should such verdicts be set aside by any of the circuit courts, a new jury shall be immediately summoned by the sheriff as herein provided, until a verdict is rendered that will be confirmed by the court: *Provided*, That after the rendition of the first verdict, the company shall have the right to appropriate the condemned property, whether the verdict be set aside or not; and that in the absence of a non-resident, or any person interested who has been summoned, or a person *non compos mentis*, or an infant whose guardian do not appear, or any other person, the sheriff shall strike for such party in the formation of the jury: *And provided further*, That in the assessments of damages under this charter, the jury

shall give the actual value of the property taken or condemned, and no more. 1869.

§ 5. The capital stock of said company shall be one million of dollars, and the same may be increased by a vote of a majority of the stockholders at any regular meeting, or at any called meeting, legal notice being given to each stockholder of such meeting and its objects. The capital stock of said company shall be divided into shares of one hundred dollars, which shall be deemed personal property, and may be issued, certified, and registered in such manner and in such places as may be ordered or provided by the board of directors, who shall have power to require the payment of stock subscriptions in the manner, and at the time and place, and in such sums, as they may direct; and on refusal or neglect on the part of any stockholder to pay the calls on the stock owned by him or her, as required by the board of directors, the share or shares belonging to such shareholder may, after thirty days' public notice, be sold at public auction; and if any surplus money remain after deducting the payment due, with interest and necessary costs of sale, the same shall be paid to the delinquent stockholder. Capital stock.

§ 6. Each share of stock on which there shall be no unpaid calls, shall entitle the owner thereof to one vote, either in person or by legal proxy: *Provided*, That he or she shall have been the *bona fide* owner thereof for thirty days previous to the day of meeting at which such vote shall be offered; the books of the company to show the date of transfer of stock. Stock, how voted..

§ 7. The board of directors of said company shall consist of seven persons, each of whom must be a stockholder therein; and the first board of directors shall be chosen within one year from the passage of this act, and shall hold their offices for one year, and until their successors are duly elected or appointed; and said board of directors shall elect one of their number as president, and shall also elect a secretary and treasurer, and such other officers as may be necessary for the transaction of the business of the company, who shall hold their offices as the rules and by-laws of said company shall direct. Vacancies in the board may be filled by vote of two thirds of the directors remaining; when elected, they shall hold office till the next regular election. Board of directors, & when elected.

§ 8. The said company shall have power to purchase lands with the stock of said company, or otherwise, and to borrow money to build, construct, and equip said railroad, and to secure the payment of said money may mortgage the lands, road, or other property of said company; may give bond on the income, or any portion thereof; and may, by their officers or agents duly authorized, sell, Officers to be elected.
May purchase lands, &c.

1869. dispose of, negotiate, or hypothecate such bonds, stocks, or mortgages belonging to said company, at such times and places, and at such rates and for such prices, as in their opinion will best advance the interests of said company; and if such bonds, mortgages or stocks, are sold at a discount, such sale shall be as valid and binding in every respect as if sold at par value; and said company may authorize the holders of any bond or mortgage issued as aforesaid to convert the same into the stock of the company: *Provided*, The stock thus issued shall not increase the actual issue beyond the amount of capital necessary to complete and equip the said road as before mentioned.

*General Assembly
of the State of
Kentucky, 1869.*

§ 9. Said company shall have power to connect its railroad with any continuous line of railroad now constructed in this State, on such terms as may be agreed upon between said companies, and shall have power to consolidate with any other company, and select and use a new name under this charter after consolidation; and shall have power to open subscription books in this or any other State, at such times and places as shall be determined by the president and directors; and shall have power to issue stock in payment for labor, materials, rolling stock, or other machinery, in constructing, equipping or operating, said railroad; and shall have power to issue bonds, and sell the same for money, labor, materials, or rolling stock, to be used in building or operating said railroad.

§ 10. This road is to run through or within one half mile of the town of Mayfield, in Graves county, and to keep a passenger and freight depot within said distance of said town.

§ 11. This act shall take effect upon the passage of an act by the Legislature of Illinois, and the approval by the Governor of said State of said act, incorporating a company to construct a road from a point opposite Paducah to Vincennes, or making such northern connections as said last mentioned company may desire, and with privileges, rights and franchises, as liberal as those contained in this charter or act of incorporation.

Approved March 13, 1869.

CHAPTER 2010.

AN ACT repealing section 2d of an act, entitled "An act in relation to the county lines of Floyd and Lawrence and Johnson counties," approved March 1st, 1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2d of an act, entitled "An act in relation to the county lines of Floyd and Lawrence and Johnson counties," approved March 1st, 1860, be, and the same

is hereby, repealed, and the lines, as established prior to the passage of said act, be, and the same are hereby, restored.

1869.

§ 2. This act shall take effect from its passage.

Approved March 13, 1869.

CHAPTER 2011.

AN ACT to amend the Charter of the Town of Crittenden.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Crittenden shall have power to grant license to hotels for the purpose of feeding, lodging, and entertaining travelers and boarders, and for the purpose of selling spirituous, vinous, and malt liquors by retail: *Provided, however,* That no license granted to keep a hotel shall be construed to authorize the sale of spirituous and malt liquors, unless the same expressly so says in the body of the license. The board of trustees shall have power to collect for said license any sum not exceeding one hundred and fifty dollars, and not less than twenty dollars. The county court of Grant county shall not have the power to grant license to any one to keep a hotel, or sell spirituous, vinous, or malt liquors, in any quantity, within the limits of said town, unless the applicant shall have procured a license therefor from the board of trustees of said town, including the space of time for which the applicant is then seeking a license from said court; and any license granted by the county court for Grant county to any person in violation of this act, shall be void and ineffectual as a defense to a prosecution for keeping a tippling-house. The board of trustees shall exercise great discretion as to whom they shall grant license to sell spirituous, vinous, and malt liquors; and before they grant license to any one to sell spirituous, vinous, and malt liquors, in any manner, either by the drink or not less than a quart, they must be thoroughly satisfied, from the statements of credible persons on oath, that the applicant is a man of good moral character; that he will keep an orderly and quiet house; that he will not suffer any disorderly or scandalous behavior in his house and on his premises, and that he will not sell spirituous or malt liquors to minors or drunken men, and will not suffer men to tipple or drink in his house or on his premises more than is necessary. And before said license shall be issued to the applicant, he shall subscribe and swear to the following: I, ———, this day licensed by the trustees of the town of Crittenden to sell spirituous and malt liquors within the limits of the town of Crittenden, will not,

May license
hotels.

County court
not to grant li-
cense unless
trustees con-
sent.

1869. during the time my said license has to run, sell any spirituous or malt liquors, ale or beer, to any minor, unless by the written request of the father, mother, or guardian of said minor; that I will keep an orderly and quiet house; will not suffer any disorderly or scandalous behavior in my house or on my premises; that I will not suffer any person to tipple or drink more than they ought; and will not sell, or suffer any one to sell, any liquors or other drinks to any one who is at the time drunk or disorderly, and will use my best efforts to preserve the peace and quiet of said town. This affidavit shall be spread upon the minutes of the said board of trustees, and shall be subscribed and sworn to by the applicant before the police judge of said town, who shall certify same. Any willful violation of this oath shall subject the person thus violating to all the pains and penalties of false swearing.

§ 2. The board of trustees of said town shall have power to revoke and discontinue any license granted by them to any person to sell spirituous liquors, ale or beer, at their pleasure, or when they may be satisfied that the good order of said town may require: *Provided, however,* They shall, upon revoking said license, return a part of the money paid therefor, bearing the same proportion to the whole amount that the unexpired term of said license bears to the whole time they were to continue in force: *And provided further,* That they shall serve a written notice on the person whose license is thus revoked, advising him of the action of the board; and any person who shall continue to sell spirituous liquors, ale or beer, after his license is revoked or discontinued, shall be deemed guilty of keeping a tippling-house, and, upon presentment, fined accordingly. Nothing in this act shall be construed as relieving hotel-keepers from procuring license from the county court, as required by chapter ninety-nine, Revised Statutes. *May license beer saloons, &c.* The board of trustees shall have power to grant license to applicants for the purpose of keeping saloons in which ale, beer, and mineral drinks are kept and sold; but no license to keep a saloon shall contain the privilege of selling spirituous liquors, such as brandy, whisky, &c.; and in granting said license, they shall be governed by the same rules and requirements as in granting hotel license; and the said license, when granted, shall be subject to the same rules as hotel license is by this act; and they shall have power to enforce obedience to this act by fine: *Provided,* No fine shall be greater than prescribed by the Revised Statutes for same offense. *May enact by-laws for government of those selling liquors, &c.* The board of trustees shall have power to enact all by-laws, rules and regulations, they may deem necessary for the government of persons who sell spirituous liquors within the limits of said town, and for the preservation of the peace and good

order of said town. They shall have power to require all hotel-keepers and proprietors of saloons, and every person who sells spirituous and malt liquors within the limits of the town of Crittenden, to refrain from selling on Sunday and at other times when there are collections of people within or near said town, and may enforce obedience to their by-laws in this particular by such fine as may be necessary; and no person, whether a hotel-keeper or proprietor of a saloon, shall sell spirituous or malt liquors, ale or beer, or mineral drink, within the limits of said town, unless they procure a license therefor from the board of trustees; and the board of trustees shall have power to enforce obedience to this act by such fine as they may deem necessary. The board of trustees shall have power to require the town marshal to make an annual assessment and report of the amount and kind of property owned by any person, and which is situate within the limits of said town; also, a list of each tithable resident within said town; and they may pass such by-laws as will be necessary to aid the marshal in making this report. They may also require the said marshal to collect and pay over to the town treasurer all taxes levied on the property and tithables of said town, and report same to the board quarterly, at such times as they may designate. He shall be allowed same fees therefor, to be paid out of the taxes thus collected, as are allowed to sheriffs for collecting State revenue; and he may distrain therefor under same rules and regulations prescribed for the collection of the State revenue. If, from any cause, the office of town clerk, treasurer, or marshal is made vacant, the trustees shall have power to fill said vacancy by appointment. The appointee shall hold and exercise the functions of said office until the next regular election, or until his successor is duly elected and qualified: *Provided*, No election shall be held until the next annual election thereafter.

§ 3. The police judge of the town of Crittenden shall, upon information upon oath, before him, or upon the statement of the chairman of the board of trustees, or any one of them, or the town marshal, without oath, that any person selling spirituous liquors, ale or beer, under license from said trustees, has been guilty of violating the provisions of this act, or any by-law enacted by the trustees, under this and the act to which this is an amendment, shall issue a summons against the party thus accused, directing him to appear on a day fixed and specified in the said summons, and show cause, if any he can, why his said license should not be suppressed. If, upon the trial, the judge aforesaid is satisfied from the proof that the party aforesaid has been guilty of violating the provisions aforesaid, he shall enter a judgment suppressing and re-

1869.

May prevent
sale on certain
occasions.

Annual assess-
ment of prop-
erty to be made

List of tith-
ables to be
made.

Marshal to
collect and pay
over taxes.

His fees.

Vacancies,
how filled.

Powers and
duties of police
judge.

1869.

voking said license; and any person selling any spirituous liquors, ale or beer, after his said license has been suppressed as aforesaid, shall be guilty of keeping a tippling-house, and upon presentment, fined accordingly. No person whose license has been suppressed by proceedings under this act, shall again receive a license for same or similar purpose, until the expiration of one year. Either party may have an appeal from the judgment aforesaid to the circuit court; but no appeal shall be held to discharge the judgment until the same is reversed by the circuit court. All proceedings from or in the police court for infractions of the by-laws, and all penal actions authorized by this and the act to which this is an amendment, shall run in the name of the Commonwealth of Kentucky, [for the] use of the town of Crittenden; and all actions in said court, for violating the statutes of the State, shall run in the name of the Commonwealth of Kentucky.

May assess &
collect tax to
erect jail.

§ 4. The trustees of said town shall have power to assess and collect, as provided in section 2d of this act, a tax not exceeding one dollar on each one hundred dollars' worth of property within the corporate limits of said town, and not exceeding the sum of one dollar on each tithable, in addition to the amount assessed for the general expense of the town, for the purpose of purchasing a suitable lot, and erecting thereon a suitable jail-house, which, when erected, shall be used as an auxiliary in enforcing the government of the town. Said jail-house, when erected, may be used by any officer of the Commonwealth as a temporary jail, in securing persons arrested and under their charge, until they can be taken to the regular jail-house of the county of Grant.

§ 5. This act shall take effect from its passage.

Approved March 13, 1869.

CHAPTER 2012.

AN ACT to amend an act, entitled "An act to incorporate the Town of Osceola."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act approved March the 9th, 1868, entitled "An act to incorporate the town of Osceola," be so amended as to authorize the trustees of Osceola to grant, in their discretion, a license to coffee-house keepers in said town to sell spirituous or vinous liquors, upon such terms, and upon such conditions, as they may think proper: *Provided, however,* That before any such coffee-house keeper shall presume to sell any spirituous or vinous liquors

he shall take oath and execute bond as prescribed by an act to regulate coffee-houses of this Commonwealth, approved February 17th, 1866: *And provided further*, This act shall not be so construed as to exempt such coffee-house keeper from the payment of the State tax now required by law for granting such privileges.

1869.

§ 2. This act shall take effect from its passage.

Approved March 13, 1869.

CHAPTER 2013.

AN ACT in regard to the Jefferson Pond Draining Company.

WHEREAS, Two acts passed by the Legislature to amend the acts incorporating the Jefferson Pond Draining Company, one approved 28th February, 1867, and the other approved 16th February, 1868, are represented to be unacceptable to many of the land-owners affected thereby; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the operation and effect of said acts be, and are hereby, suspended, except so far as they or either provide for the time, place, and manner of holding elections, and the appointment of officers to conduct the same.

§ 2. That at an election to be held on the first Saturday in April next, the question of approval or disapproval of said acts, or either, shall be submitted to the vote of all persons owning land within the limits of said draining company. At said election each land-owner may, in person or by proxy, in writing, cast one vote for any quantity of fifty acres or less of land owned by such voter, or those represented by him, and an additional vote for each fifty acres in addition thereto, and not acquired by purchase since 1st March, 1869. Adult females owning land shall have the right to vote, and infant land-owners shall be represented by their guardian, who shall vote for them. Executors or administrators of deceased land-owners shall represent and vote for the land of their testator or intestate, if the same has not been divided. And all persons herein described may vote, whether residing within said corporate limits or not.

§ 3. It shall be the duty of the president and directors, or managers of said company, to make proper provision for holding said election, providing a poll-book with columns in which to place the votes for and against said acts, or either; and they shall give notice of the time, place, and purpose of said election, by notices posted at the place of voting, and five more conspicuous places

1869. within said limits, and by advertisement in one of the papers published in the city of Louisville, for at least two weeks next preceding the day of election.

§ 4. If at said election a majority of the votes cast shall be against the ratification of said acts, or either, the same shall be, and is hereby, in that event, declared to be repealed and annulled, and all acts passed by the Legislature prior to the passage of the acts or act so voted against, shall be, and are hereby declared, in the contingency herein provided for, to be revived and in full force, as fully as if the acts or act voted against had not been passed.

§ 5. This act to be in force from its passage.

Approved March 13, 1869.

CHAPTER 2014.

AN ACT to amend the Charter of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That notaries public, possessing the qualifications required by law, shall be, and are, eligible to seats in either board of the general council of the city of Louisville.

§ 2. That said city may acquire by purchase, or by condemnation upon writ of *ad quod damnum*, such land in Jefferson county, whether within or without the city limits, as may be necessary for sewers or ditches, to drain water from any part of said city; and the Jefferson court of common pleas has, and shall have, jurisdiction in any proceeding now pending, or which may hereafter be instituted therein, for the condemnation of land in said county outside of the city limits, for either of said purposes; and the city court of Louisville shall have like jurisdiction as to land within the city limits; and if the city limits should be changed, the jurisdiction of said courts shall apply accordingly; and the provisions of section ten of an act, entitled "An act to amend the charter of the city of Louisville," approved June 2, 1865, and of section seven of an act, entitled "An act for the benefit of the city of Louisville, and to amend the charter of said city," approved March 9, 1868, shall apply to the proceedings hereby authorized in said city court in all respects; and shall apply to those in said court of common pleas in the same manner, as if said provisions were herein inserted and expressly applied to said court and its clerk, except that jurors shall be residents of the county outside of the city; and such purchase or condemnation shall confer the right, without imposing an obligation upon said city, to treat and use such land, or

any part thereof, as a public thoroughfare; and the jury or juries, in fixing the compensation for such land, shall regard it as perpetually dedicated to the public for ~~the~~ as streets, as well as purposes of drainage. 1869.

§ 3. This act shall take effect from its passage.

Approved March 13, 1869.

CHAPTER 2015.

AN ACT for the benefit of the Mount Sterling and Levee Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Mount Sterling and Levee turnpike road company be, and they are hereby, authorized and empowered to erect a toll-gate and toll-house on the lot of ground purchased by the said company of John F. Anderson, on said road, at a point where the lands of said Anderson, B. J. Peters, and Mrs. Ann Laughlin corner on said turnpike road; and that all acts and parts of acts coming in conflict with this act are hereby repealed.

§ 2. That all persons traveling on said road shall be charged, and shall pay, toll in proportion to the distance they travel thereon; and those traveling from the south end of said road to the distillery of Howard & Co., and going no further on said road than said distillery, they shall be charged, and shall pay, toll in proportion to the distance they travel on said road.

§ 3. This act shall take effect from and after its passage.

Approved March 13, 1869.

CHAPTER 2016.

AN ACT for the benefit of Joseph Bell, late Sheriff of Casey County, and his Sureties.

WHEREAS, Judgments have been rendered by the Franklin circuit court against Joseph Bell, late sheriff of Casey county, and his securities, for the revenue of the years 1866 and 1867, part of which has been paid in money, and certain lands sold under execution for the balance, which lands were bid in for the State—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon said Bell, or any one for him, paying into the Treasury, on or before the first day of July, 1869, in money, the price for which said land was sold and

1869. bought by the State, and the interest thereon, and all the balance of principal, interest, and cost, and other charges to which the State has been, or may be subjected, in trying to collect said revenue, then the said Bell and his securities shall stand forever released from the twenty per cent. damages included in said judgments; and the Auditor shall execute and deliver a release from the State for the lands aforesaid sold under the said executions.

§ 2. This act to take effect from its passage.

Approved March 13, 1869.

CHAPTER 2017.

AN ACT for the benefit of John Seaton, late Judge of the Greenup County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Seaton, late judge of the Greenup county court, be, and he is hereby, allowed the further time of two years to list, distrain for, and collect his fee bills as late judge of the Greenup county court and as county commissioner to settle estates, and also as late master commissioner for said county.

§ 2. That said Seaton shall be liable to all the pains and penalties now prescribed by law for the issual and collection of illegal fee bills.

§ 3. This act shall be in force from and after its passage.

Approved March 13, 1869.

CHAPTER 2018.

AN ACT to amend the several acts incorporating the town of Falmouth, in Pendleton county, approved January 31st, 1867.

WHEREAS, There are doubts existing whether the board of Trustees of the town of Falmouth have the power to grant licenses to keep coffee-houses in said town; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Falmouth shall have power to license coffee-houses for the retail of spirituous, vinous, and malt liquors in said town. They shall have power to tax said license for coffee-houses in any sum not exceeding five hundred dollars: *Provided*, That nothing in this act shall excuse said persons from complying with all the laws of this State in regard to

coffee-house licenses: *And provided further*, They shall execute bond in the county court of said county, with the same penalties and restrictions of tavern-keepers' bonds, and take the same oath, and be liable to the same penalties of tavern-keepers by the laws now in force or may hereafter be in force by the statute laws of this State against tavern-keepers.

1869.

§ 2. This act shall be in force from its passage.

Approved March 13, 1869.

CHAPTER 2019.

AN ACT for the benefit of Wm. Carter, of Caldwell County.

WHEREAS, It has been made known to this General Assembly, that at the June term, 1863, of the Caldwell circuit court, Wm. Carter, of Caldwell county, was indicted for usurpation of office in accepting the office of county judge of said county in January, 1862, under the Provisional Government of Kentucky; and whereas, judgment was rendered and a fine of five hundred dollars collected on said judgment; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts shall draw his warrant on the Treasury in favor of William Carter, for the sum of three hundred and fifty dollars (\$350), or so much thereof as is shown to have been paid into the Treasury.

§ 2. This act to take effect from its passage.

Approved March 13, 1869.

CHAPTER 2020.

AN ACT to change the Place of Voting in Voting Precinct No. 6, in Nicholas County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in voting precinct No. 6, in Nicholas county, be changed from Buzzard Roost to Craycraft's store.

§ 2. This act to take effect from its passage.

Approved March 13, 1869.

1869.

CHAPTER 2021.

AN ACT to incorporate Olive Branch Division, No. 21, Sons of Temperance, of Dayton, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members, and those who may hereafter become members, of Olive Branch Division, No. 21, Sons of Temperance, as now organized in the city of Dayton, Campbell county, Kentucky, shall be a body-politic and corporate, by the name and style of Olive Branch Division, No. 21, Sons of Temperance, of Dayton, Kentucky, and shall have perpetual succession; and by that name shall be capable of contracting and being contracted with, to sue and be sued, to plead and be impleaded, in all courts of law or equity in this Commonwealth; of making such by-laws and regulations for their government as may be necessary, not inconsistent with the laws of this State or of the United States; of purchasing and holding such real and personal estate as may be required for the use of said corporation; to receive all necessary conveyances, and to sell, convey, or dispose of all such real and personal estate as they may now have or may hereafter acquire: *Provided, however,* That the amount invested in real estate shall not exceed five thousand dollars.

§ 2. That the management and care of the property of said corporation shall be, and is hereby, confided to the Worthy Patriarch, Conductor, Recording Scribe, Financial Scribe, and Treasurer, and their successors in office, as trustees thereof; who, or a majority of them, shall have all power to make all contracts pertaining to the real and personal estate of said Olive Branch Division, No. 21, Sons of Temperance.

§ 3. That the said corporators shall be deemed and held to be members in regular order and succession from Olive Branch Division, No. 21, Sons of Temperance, originally organized and working in said city, and as constituting part and parcel of the Order of the Sons of Temperance of the State of Kentucky.

§ 4. This act shall take effect from its passage.

Approved March 13, 1869.

CHAPTER 2023.

AN ACT to incorporate the Floral Park Association of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. A. Dumesnil, Collis Ormsby, J. L. Danforth, William Cornwall, jr., and M. M. Green, and their successors, be, and they are hereby, created a body corpo-

rate and politic, by the name of the "Floral Park Association," for the term of twenty-five years, with all the powers and authority incident to corporations, for the purposes hereinafter mentioned.

1869.

§ 2. The corporation is hereby authorized and empowered to buy, lease, construct, maintain, and operate a park and appendages, with skating rink, swimming pool, and gymnasium, in the city of Louisville or county of Jefferson.

§ 3. The capital stock of the Floral Park Association shall be twenty thousand dollars. It shall be divided into shares of one hundred dollars each, and be issued and transferred in such manner, and upon such conditions, as the board of said corporation may direct.

§ 4. The affairs of said corporation shall be managed by five directors, one of whom shall be president, all of whom shall be stockholders in said corporation. The first board of directors shall consist of H. A. Dumesnil, Collis Ormsby, J. L. Danforth, Wm. Cornwall, jr., and M. M. Green, who shall continue in office until their successors shall be elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected and qualified. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing or choosing some one else. They may adopt such by-laws, rules and regulations, for the government of said corporation, and the management of its affairs and business, as they may deem proper, not inconsistent with the laws of this State. The said corporators may open books of subscription, and receive subscriptions to the capital stock of the Floral Park Association herein incorporated; and such books of subscription may be opened, and subscriptions received, at such time and places, and upon such notices thereof, as any three of said corporation may deem right and proper.

§ 5. That, at every subscription of the stock of said Floral Park Association, there shall be paid, at the time of subscription to said corporation, or such agent as may be duly appointed, ten per cent. of the amount so subscribed; and so soon as the ten per cent. of the capital stock is subscribed and paid in, the said corporators, or any three of them, shall give notice of the time and place at which an election shall be held for a new board of directors, who shall hold and continue in office as provided herein. The board of directors of said corporation may fill all vacancies in their body which may happen by death, resignation, or otherwise, and may make such calls of payments of stock as they deem proper.

1869. § 6. The said corporation are authorized and empowered to acquire and hold and convey real estate to an amount not to exceed thirty thousand dollars. The said corporation may borrow money to an amount not to exceed the capital stock of the company, and may pledge and mortgage the property and all appurtenances and real estate belonging to said corporation.

§ 7. *Provided*, That nothing in this act shall authorize the establishment of drinking saloons or other establishments calculated to promote dissipation; nor shall this act be so construed as to authorize banking or lottery privileges.

Approved March 13, 1869.

CHAPTER 2024.

AN ACT to incorporate the Southern Mail Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. H. Woolfolk, J. S. Neal, W. C. Hite, Lewis A. Shirley, and Bird C. Levi, their successors and assigns, be, and they are hereby, created a body-politic and corporate, by the name of "The Southern Mail Company;" and by said name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places whatever; and may have and use a common seal, and the same may break, alter, change, and renew at pleasure.

§ 2. The capital stock of said company shall be not less than one hundred thousand dollars nor more than one million of dollars, divided into shares of one hundred dollars each, which shall be deemed personal estate, and transferable on the books of said company in such manner as may be prescribed by its by-laws.

§ 3. The business of said company shall be managed by a board of not less than five (5) nor more than nine (9) directors; one of whom shall be chosen president, and all of whom shall be holders of at least ten (10) shares of its capital stock, and shall hold their offices for one year, and until their successors are duly elected and qualified. The said president and directors shall make all necessary and proper by-laws for the conduct and management of the affairs and business of said company, and may, from time to time, repeal or change said by-laws, or any of them, as they may deem necessary; and they shall have power to appoint and employ all necessary or proper servants, agents, and officers for the transaction of the business, and may require and take bond from such servants, agents, or officers, or any of them, as they may deem proper; and

in case of a vacancy from any cause in said board of directors, those remaining may fill such vacancy or vacancies.

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§ 4. The said company may build, construct, equip, and navigate steamboats, barges, and boats of any and all kinds; may buy and sell steamboats, boats, and barges of all kinds; may buy, acquire, and hold any and all kinds of real and personal and mixed estate necessary or proper for the conduct and successful prosecution of its business; and may borrow money on such terms, and at such rates of interest, as may be agreed on, not exceeding ten per centum per annum, and may secure the same by a mortgage or mortgages on the whole or any part of the franchises or property of the said company; or may issue and sell its bonds for such amounts, and for such length of time, as may be deemed proper or expedient, and secure the same by mortgage or mortgages upon the whole or any part of its franchises or property: *Provided, however,* That the sums so borrowed, or for which its bonds are issued, shall not at any one time exceed its capital stock. And the said company may transport and carry passengers, and every article of trade, commerce, manufacture, agriculture, and freight of all kinds, to and from any port or ports within the United States; and may lease or buy landings and wharves; and may do all things necessary or proper to effectuate the objects of its creation.

§ 5. The time and manner of the election of the directors, and the number of directors or stockholders necessary to constitute a quorum for the transaction of business, shall be prescribed by the by-laws; and at all meetings of the stockholders each share of stock shall be entitled to one vote.

§ 6. The above-named corporators, or such of them as a majority shall appoint, shall be commissioners to open books for the subscription of the capital stock; and when one hundred thousand dollars shall be subscribed said company may organize and proceed to business.

§ 7. This act shall take effect from its passage.

Approved March 13, 1869.

CHAPTER 2026.

AN ACT to amend the Charter of the Salomon Gas Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Salomon Gas Company," approved January 16, 1866, be, and the same is, amended so as to allow said company to receive subscriptions of stock in any city or town in

1869. this State, where it may construct or contract to construct and erect gas-works; and may allow the subscribers of stock for the said city or town to elect four directors to manage and conduct the affairs of the company in such city or town, under the general control of the board of directors and president of said company; but the president of the company shall be *ex-officio* president of such local board of directors.

§ 2. The said company may, with the consent of such local directors in any city or town, borrow money and issue its bonds for not less than one hundred dollars each, for the benefit of the operations of said company in such city or town, and secure the same by mortgage upon its franchises or property, or any part thereof in, or pertaining to, such city or town, or upon the pipes and works of said company, in any such city or town where the gas-works are constructed; but the amount so borrowed shall not, at any one time, exceed the capital stock of said company in such city or town, and shall only bind the works and effects and stock of said company in such city or town, and shall not bind the stockholders or stock or works or effects of said company in any other city or town.

§ 3. The said company may pay for the work done for it, in any city or town, in the capital stock of said company, in and for such city or town, or in the mortgage bonds of said company, to bind only the stock, works, and effects of said company in such city or town, and not its stock, works, or effects in any other city or town.

§ 4. This act shall be in force from its passage.

Approved March 13, 1869.

CHAPTER 2027.

AN ACT to incorporate Mt. Olivet Lodge, No. 291, Free and Accepted Masons, in Robertson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George H. B. Thompson, L. C. Holmes, William Woods, and James Kenton, their associates and successors, be, and they are hereby, created a body-politic and corporate, by the name and style of "Mount Olivet Lodge, No. 291, Free and Accepted Masons, in Robertson county;" and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts in this Commonwealth or elsewhere; to make, have, and use a common seal, and the same to break,

alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and may alter those now in force in said lodge, when deemed necessary or proper, and may change and renew the same at pleasure, not inconsistent with this State or the United States.

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§ 2. That said corporation shall have power and authority to acquire and to hold real or personal estate, not exceeding ten thousand dollars in value at any one time; and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds.

§ 3. This act to take effect from its passage.

Approved March 13, 1869.

CHAPTER 2028.

AN ACT to incorporate Crab Orchard Lodge, No. 432, A. Y. M.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. O. Hansford, A. Carson, J. K. Gilkerson, M. J. Harris, and W. H. Holdam, or such other five principal officers as may be elected, from time to time, or a majority of them, be, and are hereby, created a body corporate, under the name and style of "Crab Orchard Lodge, No. 432;" and that the officers and members of said lodge, and their successors, shall so continue and have perpetual succession; and by the name and style aforesaid they are hereby made capable in law to sue and be sued, plead and be impleaded, to contract, and to answer and be answered, in all the courts of law and equity of this State or elsewhere; to make, have, and use a common seal, and the same to break, alter, or change at their pleasure.

§ 2. The said corporation shall have the right to take and hold by purchase, gift, or devise, real and personal estate, not exceeding the sum of twenty thousand dollars; to dispose of and convey the same at their pleasure.

§ 3. The business and affairs of said corporation shall be under the management and control of the five principal officers, to be elected annually by the members of said lodge, and whose duties shall be such as shall be prescribed by a majority thereof.

§ 4. This act shall take effect from its passage.

Approved March 13, 1869.

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CHAPTER 2029.

AN ACT for the benefit of William M. Fulkerson.

WHEREAS, It has been made known to this General Assembly that there was a suit tried in the Lawrence circuit court of William M. Fulkerson against G. W. Howe and others, in which judgment was rendered in favor of the defendants; and whereas, an appeal was taken from said judgment to the Court of Appeals, and the same was reversed, and a mandate ordered to issue accordingly; and whereas, by the burning of the Clerk's Office of the Court of Appeals, all the papers in said suit were destroyed, including the opinion of the Court of Appeals reversing said judgment of the Lawrence circuit court, before the said opinion was certified to the Lawrence circuit court or the mandate had been issued; and whereas, it is thus a fact, that the said judgment of the Lawrence circuit court was reversed, yet the details and points and grounds of the opinion of the Court of Appeals in said case are not now recollected by the judges, and there is no record showing them; and for this reason, a mandate cannot now be issued from said court containing the opinion of the Appellate Court, and instructions for the guidance of the Lawrence circuit court in future proceedings in the case; and thus, though the appellant, William M. Fulkerson, was successful in the appeal, yet, by said unavoidable casualty, the same is inefficacious to him; now, therefore, in order to remedy the difficulty, and that justice may be done all parties,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said William M. Fulkerson be, and hereby is, authorized to sue out and take an appeal from said judgment of the Lawrence circuit court in said case of Wm. M. Fulkerson against G. W. Howe and others to the Court of Appeals, as if no appeal had been heretofore taken; and he is allowed the further time of one year, from and after the passage of this act, and the period is extended to that time, within which he may sue out, take, and file such appeal in the Court of Appeals; and on said appeal being taken and filed by him, with a copy of the record of said case from the Lawrence circuit court, within the time aforesaid, the Court of Appeals shall have the same right and jurisdiction to hear and determine, and shall hear and determine, the case as if such appeal was taken and filed within three years from the rendition of the said judgment in the Lawrence circuit court, and shall make and issue any and all proper orders and mandates to carry out and enforce any opinion and judgment they may render in the case.

§ 2. This act shall be in force from its passage.

Approved March 13, 1869.

CHAPTER 2031.

1869.

AN ACT to amend the Charter of the Town of Washington, in Mason County.

WHEREAS, A number of the citizens of the town of Washington, in Mason county, Kentucky, have petitioned the General Assembly to so amend the charter of said town as to require only five trustees for said town instead of nine, and that a majority of said trustees shall be a quorum to transact business; and there being no remonstrance or other objection against the same, therefore.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of said town of Washington, in Mason county, Kentucky, be, and is hereby, so amended, as that hereafter there shall be only five trustees for said town, instead of nine, as heretofore required, and a majority of said trustees shall be a quorum to transact business.

§ 2. This act shall be in force from its passage.

Approved March 13, 1869.

CHAPTER 2032.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts relating to the town of Princeton."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and reduce into one the several acts relating to the town of Princeton," be, and the same is hereby, amended by adding thereto the following, viz: That the board of trustees of Princeton shall have power, and are hereby authorized, to appoint as many as three policemen, who may act in conjunction with the town marshal of said town in keeping order and making arrests for violations of law in the corporate limits of said town; and the board of trustees are authorized to make such contracts with those whom they may appoint as policemen as to their compensation as may be deemed proper; and said policemen shall, before they enter upon their duties, take an oath before the police judge of said town that they will well and truly perform the duties of their office, and shall hold said office at the discretion of said board of trustees, who shall have the power to remove and appoint others at pleasure; and all the proceedings in relation to the appointment of said policemen, or their removal and appointment of others, shall be put to record in the office of the police judge of said town.

§ 2. This act shall take effect from its passage.

Approved March 13, 1869.

1869.

CHAPTER 2034.

AN ACT to amend an act, entitled "An act providing for the levy and collection of a Tax to pay the Kenton County Bounty Fund."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fourth section of an act, entitled "An act providing for the levy and collection of a tax to pay the Kenton county bounty fund," approved the first day of February, 1865, be, and the same is, so amended as to authorize and empower any one of the bounty fund commissioners to sue the treasurer of the bounty fund and his securities on his official bond, in the name of the Board of Bounty Fund Commissioners of Kenton county, to recover any and all sums of money from said treasurer and his securities which he, the said treasurer, has received and collected, and has failed to pay over and account for, as required by the provisions of said act.

§ 2. That the sixth section of said act be, and the same is hereby, so amended as to authorize and empower any one of the commissioners to sue the sheriff and his securities, in the name of the Board of Bounty Fund Commissioners of Kenton county, for any failure or refusal of the sheriff to collect or to pay over to the treasurer of said board any taxes or money levied or collected under said act.

§ 3. This act to take effect from its passage.

Approved March 13, 1869.

CHAPTER 2035.

AN ACT to establish a Work-house, Hospital, and Pest-house, in the County of Bourbon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Bourbon county be, and are hereby, empowered to establish and put in operation in said county, a work-house, and in conjunction therewith, a hospital and pest-house; and for this purpose may purchase, own, and hold such land, not exceeding in quantity one hundred and fifty acres, as may be necessary, and erect thereon such buildings as may be required. Said court shall have the general control and direction of the same; but for the purpose of a more efficient and direct supervision thereof, shall appoint four discreet persons as managers thereof. The first appointees shall hold their offices for one, two, three, and four years, the court designating the term of each. And said court shall, as vacancies thereafter occur by expiration of the term, appoint another manager, who shall hold his office for four years.

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The county judge for the time being shall be, *ex-officio*, a member of said board of managers, and presiding officer thereof. And said persons, under the style of "The Board of Managers of the Bourbon County Work-house," shall be a body-politic and corporate, with power to contract and be contracted with, sue and be sued; and to make all proper rules and regulations for the proper management of said work-house, hospital, and pest-house, and the discharge of the duties confided to them. Said board shall have power to purchase the land and cause to be built the necessary building for the purpose aforesaid, and shall determine what class of patients may be admitted to the hospital and pest-house; and such admissions shall be made according to rules prescribed by them; and said board shall have the appointment of all keepers, guards, physicians, stewards, nurses, and other necessary employes for said work-house, hospital, and pest-house, and require bond, with security, of any or all of them, and may remove the same at pleasure, and shall fill vacancies in the board occurring otherwise than by expiration of term of office.

§ 2. Said county court, a majority of its justices being present, and a majority of those present consenting, at any regular or called term, may submit to the legal voters of said county, at any regular election, or at a special election to be held on a day by them designated, the proposition to impose upon all the property in said county subject to taxation for revenue purposes, a tax of one fourth of one per cent., for the purpose of raising a fund to carry out the provisions of this act. Said election shall be held as other elections are held by law, and certified and returned in the same manner. The clerk of the county court shall make out and furnish for each voting precinct a suitable poll-book, with two columns, for recording the votes, one headed "For the work-house tax," and the other "Against the work-house tax;" and if a majority of the votes cast are in favor of said tax, it shall be the duty of the county judge to cause the same to be immediately levied and collected by the sheriff, in the same manner, at the same time, and under like penalties and responsibilities he is by law required to collect the county levy, and shall receive same commission therefor.

§ 3. If said tax is so imposed, the county court of said county may, and are hereby authorized and empowered to, sell and convey the poor-house lands and buildings belonging to said county, and apply the proceeds in the same manner said tax is to be applied. And it shall be the further duty of said court, annually to impose, and cause to be in like manner collected, such tax, not exceeding the gross sum of five thousand dollars, as shall be necessary

1869. properly to conduct said work-house, hospital and pest-house.

§ 4. All persons tried and convicted under the vagrant laws in said county shall be sentenced to confinement at hard labor in said work-house, in lieu of any punishment now imposed by law, for such length of time as the court or jury trying the same shall order, not exceeding, however, the term of twelve months; and all male persons liable to be sentenced to confinement in the jail of said county, as a punishment for misdemeanors, or violation of the penal or other criminal laws, and not sent to the State house of refuge for juvenile delinquents, may, by the order of the judge or court before whom they are tried, be sentenced to be confined in said work-house, at hard labor, during their term of confinement. Said county judge may, at any time, order any prisoner confined in the work-house to be removed to and confined in the county jail for the residue of his term of service. The persons so confined in said work-house may, under the order and direction of said board, be employed at labor outside of the work-house grounds, and in any kind of labor: *Provided*, That no cruel and unnecessary penalties or labor shall be imposed.

§ 5. The keeper of said work-house shall have the superintendence of the same, the grounds attached, the persons therein confined; he shall daily visit the apartments and keep them clean and in good order, and superintend the custody and employment of the prisoners. He shall, with the consent of the board of managers, employ all necessary day and night guards to prevent escapes and guard the prisoners whilst at work. He shall keep regular account-books, in which the work-house shall be charged with the cost of provisions, medicine, clothing, and all other things necessary for its support, and shall be credited with all sums applied by the county court for its support, or otherwise received. He shall collect every two weeks all money due the work-house, and pay over the same as said board may direct. He shall, in a separate book, record the commitment and discharge of prisoners, registering their name, age, height, color, birth-place, offenses for which committed, and other proper facts. Any prisoner behaving in a riotous or disorderly manner, or refusing to work or obey the orders of the keeper or other officers having control over them, or attempting to escape, may be closely confined, and, if necessary, by order of the keeper, put in irons, but shall not be cruelly treated. Whenever a prisoner escapes, the keeper shall give immediate notice thereof to the county judge, and furnish him with a description of the fugitive. Said keeper shall make monthly reports to the county

judge. showing the commitments, discharges, number of prisoners remaining, the work performed since the last report, by whom, and the average expense per diem of each prisoner. No communication with any prisoner on the part of others not having control of them shall be allowed, except upon the written permit of some one of the board of managers. Said keeper shall cause all prisoners who are sick and unable to work to be removed to the hospital or pest-house, as their cases may require, and immediately notify the physician thereof. He shall, at the end of each year, and oftener if required, report to the said county court at large all the material transactions of the past year, as they appear on his books, and otherwise touching the work-house; and the books, work-house, hospital, and pest-house, and premises shall always be open to the inspection of any of the managers or any member of the county court.

§ 6. Said board of managers may require of said keeper other duties than those herein imposed, or dispense with any so imposed; and may regulate and prescribe the duties, employment, &c., of any and all employes and servants of the work-house, hospital, and pest-house.

§ 7. This act shall be in force from its passage.

Approved March 13, 1869.

CHAPTER 2036.

AN ACT to authorize the City of Lexington to subscribe stock in the Maysville and Lexington Railroad Company, Northern Division.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of the city of Lexington, the majority of the members elected concurring, shall have power and authority to subscribe, in the name, and on behalf of said city, for stock in the Maysville and Lexington Railroad Company, Northern Division, any sum not exceeding fifty thousand dollars: *Provided*, That no such subscription shall be made until after the question shall be submitted to the qualified voters of said city, and a majority of all the votes cast shall be in favor of such subscription. The city council shall designate the time when said election shall be held, and make such orders in relation to public notice of the election, and all other matters in relation thereto, as shall, in their judgment, be necessary to obtain a fair expression of the popular will upon the question.

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§ 2. In the exercise of their own discretion the city council of said city may at any time order such election; and it shall be their duty to order such election whenever the petition of one fourth of the voters of said city shall request it.

§ 3. The said subscription shall be made payable in three years, one third in each year. And the city council of said city shall, in each of said three years, levy and collect upon the real and personal property of said city, as listed for taxation for State purposes, an amount in money sufficient to pay off the respective installments of said subscriptions in money; which taxes shall be collected as other taxes are collected in said city, and by the proper collecting officer of said city, for the same compensation, under the same penalties, and subject to the same amercements for neglect of duty, as such officer is subject to for a failure to collect and pay over the other taxes of said city. The said collecting officer shall execute bond, payable to said city, in sufficient penalty, and with good security, conditioned for the faithful collecting and paying over the amounts collected, and for the proper performance of all his duties hereby required.

§ 4. The city council and said collecting officer shall have the same right and powers of enforcing the collection and payment of said taxes by distress, advertisement, sales, and all other means, that they and each of them have for enforcing the collection and payment of the other taxes of said city.

§ 5. As collections are made they shall be paid by the collecting officer to the city treasurer, who shall require the said collecting officer to pay over the taxes herein provided for, and shall institute proper proceedings against him in case of failure.

§ 6. The taxes thus levied, collected, and received shall be set apart, pledged, and exclusively appropriated to the purposes for which they are levied, and for no other purpose whatever. Each tax-payer shall receive from the officer a certificate of the amount of tax paid by him at the time of payment. All certificates given for taxes or subscription shall be transferable by indorsement; and any certificate or certificates amounting to fifty dollars shall entitle the holder to one share in the stock of said company. The money received by the said city treasurer from the collecting officer shall be paid over to the railroad company, and he shall take the company's receipt for the amount so paid, and the company's obligation to said city, with approved surety, to issue stock to the tax-payers upon the surrender of the tax receipts in sums of fifty dollars for an even amount of stock; and it shall be the duty of said city treasurer to procure stock for the tax-

payers who shall leave their own or assigned certificates with him for that purpose in sums of fifty dollars; and he shall indorse on the railroad company's receipt and obligation the amount of stock issued. If, after five years from the date of said subscription of stock, any of the tax-payers shall fail to produce their receipts and obtain stock therefor, the right of such tax-payers to stock shall cease, and the amount then not issued to tax-payers shall vest and remain in the said city council for the use and benefit of said city, and certificates of stock shall be accordingly issued therefor.

§ 7. The said city council shall have power to attach such conditions as they may deem proper to the subscription for stock in said company, and such conditions may or may not, as the said city council may direct, be proposed to the popular vote.

§ 8. The failure of the popular vote to authorize the said subscription of stock shall not prevent the subsequent submission of the question in the same or another form by the city council; and the authority of the city council in the premises shall only be limited to the sum aforesaid, and the approbation of the majority of votes cast to the subscription which may be made: *Provided*, That not more than two elections shall be ordered.

§ 9. In making, however, the levy of taxes to pay said subscription, allowance shall be made for probable delinquencies, and enough shall be levied and collected, in addition to the amount necessary to pay the sums subscribed, to pay all the expenses incident to collecting said taxes and carrying out the objects and purposes of this act, and which shall be so paid, so that tax-payers shall receive stock in the said railroad company for the full sum for which the subscription levy is made.

§ 10. This act shall be in force from its passage.

Approved March 13, 1869.

CHAPTER 2037.

AN ACT to incorporate the Duncansville and Chaplin Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated to construct a macadamized or gravel road from Duncansville, in Mercer county, to Chaplin, Nelson county, by the name and style of the Duncansville and Chaplin turnpike road company; by that name they may sue and be sued, contract and be contracted with, acquire and hold all real

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1869. estate necessary for the construction of said road or toll-houses, not exceeding ten acres at any one point; may sell and convey the same whenever the interest of said road shall require it, and acquire other land for the like purposes.

§ 2. That G. C. Alfred, Cyrus Graham, J. Wesley Graham, John R. Duncan, Jeremiah Kinsey, Wm. Barnett, Wm. Yates, James Trent, W. H. Bell, George Snyder, Aaron Clarke, Thos. Vowles, Wade H. Morgan, Saml. O. McMeekin, T. K. Marshall, Joseph Pope, Bennet Toddisman, T. R. Rose, are hereby appointed commissioners to receive subscription to the capital stock of said company, any two of whom may act. The subscription of stock shall be in writing, and shall be in substance as follows: We, whose names are hereunto subscribed, severally promise to pay to the president and directors of the Duncansville and Chaplin turnpike road company twenty-five dollars for each share of stock opposite our several names, to be paid in such installments as they, by public notice, may require. This — day of ——. That when any person subscribing stock shall not write their own name to the book of subscription, then the same shall be attested by two of said commissioners. That whenever eight thousand dollars of said capital shall have been taken, such of said commissioners shall call a meeting of the stockholders, who shall elect a president and five directors of said company, who shall hold their office for one year, and until their successors are elected and qualified.

§ 3. That the prudential and financial concerns of said company shall be intrusted to a president and five directors, who shall be stockholders in said company; they shall hold their office for one year, and until their successors are elected and qualified; and may fill all vacancies in their board. Such elections shall be held once in each year at a time fixed by the president and directors, and upon ten days' notice, by public advertisement, at four public places on the route of said road. The stockholders shall have one vote for each share of stock he may own in his own right, and may vote in person or by proxy. The said board may elect a treasurer and secretary, and remove them at pleasure, and shall take bond with good security from them, conditioned for the faithful performance of their duties. The same person may be both treasurer and secretary. The said president and directors shall have power to fill any vacancy that may occur in their board. The provisions of this section shall apply to the officers elected under section two of this act.

§ 4. That the county judges of Mercer, Nelson, Anderson, and Washington counties, shall severally order a vote

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to be taken in the civil districts in said counties in which said road may be located, upon the petition of the president and directors; and if a majority of the qualified voters in said civil districts shall severally vote for said tax, then said judge shall enter an order of record in his court levying said tax on the district thus voting it, not to exceed twenty cents on the taxable property in said district subject to taxation for State revenue, and may direct the same to be collected in one or more years, not exceeding three years. The said tax shall entitle the payer of it to stock in the capital stock of said company; and the president and directors shall issue fractional certificates of stock accordingly. The sheriffs of said counties shall collect such tax in the same manner, and pay the same over at the same time he is required to pay over the county levy; and the payment shall be to the treasurer of said company. He and his sureties on his official bond shall be responsible for in the same manner, and to the like extent, and with like damages, that they are for the county levy.

§ 5. That the capital stock of said road shall not exceed thirty thousand dollars, to be divided into shares of twenty-five dollars. The president and directors may re-open the books for subscription to said stock, and keep them open until enough stock is subscribed to construct said road.

§ 6. The president and directors shall have full power to regulate the width of said road, not exceeding forty feet, and to fix the width of the portion to be covered with stone or gravel, and the manner of the same; also to fix the grade; they may fix the rates of toll, and alter them; but such rates shall not exceed six per cent. upon the amount of stock actually subscribed and paid in. Whenever two and a half miles consecutively of said road is completed, they may erect a gate and charge half toll for the same. All tolls received on any part of said road shall be applied to the completion of said road, after first paying the current expenses of the same. The said company shall have all necessary power to carry any herein expressly delegated, not inconsistent with the Constitution and laws of this State or of the United States. That the said company have all the powers and rights conferred on turnpike road companies by chapter 103 of the Revised Statutes, title "Turnpike and Plank Roads," not inconsistent with this act.

§ 7. This act shall take effect from its passage.

Approved March 13, 1869.

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CHAPTER 2038.

AN ACT for the benefit of Hibbard Williamson, of Pike County.

WHEREAS, When the town of Pikeville was originally laid off, there was an alley located between two lots, now owned by Hibbard Williamson, which alley never has been opened nor improved, and there is no necessity of the same being opened, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the alley located between the two lots now owned by Hibbard Williamson, in the town of Pikeville, Kentucky, be, and the same is hereby, vacated, and the land of the same shall revert to the owner of the lot or lots from which it was originally taken, unless the trustees of said town shall, within sixty days from the passage of this act, in good faith, proceed to open and improve said alley.

§ 2. That this act shall take effect from and after its passage.

Approved March 13, 1869.

CHAPTER 2039.

AN ACT for the benefit of George Berkemeir, of Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Berkemeir, of the county of Campbell, be, and he is hereby, relieved of all legal disabilities imposed on him by reason of his conviction and sentence to the penitentiary of this State for the crime of burglary in the year —, and that he be restored to all the rights and privileges of other citizens of this Commonwealth.

§ 2. This act to take effect from its passage.

Approved March 13, 1869.

CHAPTER 2040.

AN ACT creating the Mount Sterling Sentinel a legally authorized newspaper.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kentucky Sentinel, published at Mt. Sterling, be, and the same is hereby, declared to be a legally authorized newspaper for this Commonwealth.

§ 2. This act shall take effect from and after its passage.

Approved March 13, 1869.

CHAPTER 2041.

1869.

AN ACT to amend the Charter of Raywick, in Marion County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the offices of police judge and marshal for the town of Raywick, in Marion county, is hereby created. They shall be citizens of said town. The marshal shall hold his office for two years, and the police judge for four years. The first election under this act shall be held under this act at the next regular election for trustees of said town, as fixed by the charter thereof.

§ 2. The police judge shall be commissioned by the Governor; and before he enters upon the duties of his office he shall take the several oaths of office required to be taken by public officers by the Constitution of the United States, and the Constitution and laws of this State. He shall have exclusive jurisdiction of all cases for the violation of the ordinances of said town, and jurisdiction concurrent with justices of the peace of all other proceeding, civil or penal, within the civil district in which said town is situate, with the same right of appeal from any of his judgments that is now by law given from judgments of justices of the peace, and to the same courts, and to be taken in the same manner.

§ 3. That the marshal shall, before he enters upon his duties, take the oaths required by law to be taken by constables. He shall execute, before the board of trustees, a bond, payable to the Commonwealth, with good security, to be approved by said board, conditioned faithfully to perform all the duties of his office. And any person aggrieved may maintain his suit or motion on the same. The said marshal shall have exclusive power to execute all process for the violation of the ordinance of said town, and within the civil district in which said town is situated the same civil powers that constables have by law.

§ 4. This act shall take effect from its passage.

Approved March 13, 1869.

CHAPTER 2042.

AN ACT to amend an act, entitled "An act to Charter the Town of Hiseville, in Barren County," approved March 5th, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act chartering the town of Hiseville, in Barren county, be amended as follows: That on the first Saturday in April, 1869, the board of trustees for said town shall order an election, giving ten days' notice, for a police judge and town marshal; and thereafter the police

1869. judge shall be elected when the county court judge is elected, and hold office for the same time. The town marshal shall be elected at the same time that constables are elected, and hold his office for the same time; to take oath and give bond, and in all respects to be liable as constables are.

§ 2. The poll-book of said election shall be returned by the clerk to the judge of the Barren county court at the first term after said election, and the result shall be certified by said judge to the Secretary of State, and the Governor shall issue a commission to the person thus elected police judge, who shall take the same oath taken by the county judge; and in all civil cases shall have the same jurisdiction as a justice of the peace, to be subject to the same rules and regulations, and be entitled to the same fees; and in all criminal cases arising in said town shall have the same jurisdiction as the county judge, and be entitled to the same fees; and in all violation of town regulations shall have the same jurisdiction as justices of the peace have, and be entitled to the same fees.

§ 3. The town marshal shall execute all process issued by the police judge of said town, and be entitled to the same fees as constable for similar services; and may execute any process issued by a justice of the peace of the county, and have concurrent jurisdiction with the constables in said county.

§ 4. This act to be in force from its passage.

Approved March 13, 1869.

CHAPTER 2043.

AN ACT to incorporate the Town of Visalia, in Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Visalia, in the county of Kenton, is hereby established, and shall be bounded according to the metes and bounds of said town, and as laid down in the plat thereof made by Peyton Redick, and recorded in the Kenton county clerk's office.

§ 2. That Thomas T. Mann, Wm. Burnside, F. P. Caldwell, Samuel Crail, and John Malvey, are hereby appointed trustees of said town, who shall hold their offices as such until the first Saturday in May next, when the citizens of said town shall, on that day, and every first Saturday in each succeeding May thereafter, elect five freeholders of said town as trustees for the same.

§ 3. That the aforesaid trustees and their successors are hereby constituted a body-politic, with power to levy a tax upon the tithables and property of said town, not to

exceed one dollar on each tithe, and one dollar on each one hundred dollars' worth of property, for the purposes of the improvement of said town, and its municipal and police regulations; and the said trustees are hereby invested with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, in any matter touching the government of said town, in pursuance of the powers herein granted.

1869.

§ 4. That the trustees of said town shall have power to pass by-laws for the regulation and well-being of said town, and the government thereof, not inconsistent with the Constitution and laws of this State, which by-laws shall be in writing, and recorded in a book to be kept for that purpose; and no by-law shall be passed unless a majority of all the trustees of said town shall concur in its passage: *Provided*, That all the by-laws passed as aforesaid shall be published, by posting them in three or more public places in said town.

§ 5. This act to take effect from its passage.

Approved March 13, 1869.

CHAPTER 2044.

AN ACT to create an additional Magistrates' District and Voting Precinct in Christian County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an additional magistrates' district and election precinct be, and the same is hereby, established in Christian county, composed of parts of the Hopkinsville, Longview, and Pembroke districts, with voting place at Casky's Station, on the Evansville, Henderson, and Nashville railroad, and bounded as follows: Beginning at a point on the Clarksville and Hopkinsville turnpike road, south of the residence of W. T. Radford; thence in a southeasterly direction, including the residence of Gus. Bradshaw, and crossing the Bradshaw road south of the residence of C. J. Radford; thence in a northerly direction, including the residence of Luther Rollins and William Bunt, and crossing the Nashville road east of the residence of James Vaughn, the same direction continued, including the residence of Austin Bowles and William Garrett and John N. Mills, to the east fork of Little river; thence down said river, to include the residence of Pinkney Edwards; thence in a westerly direction, including the residences of W. B. Lander and Thomas Green, to the Clarksville and Hopkinsville turnpike road, north of J. T. Edmunds' (Usher) farm; thence in a southerly direction, running with said road, to the beginning.

1869. § 2. An election for two justices of the peace and a constable shall be held in said district, on the third Monday in April, 1869, who shall hold their offices until the next regular election for justices and constables, and until their successors are duly elected and qualified. The county court of Christian county shall appoint officers to hold said election, and the sheriff shall superintend the same in person or by deputy, after having given notice of said election as now prescribed by law.

§ 3. This act shall take effect from its passage; but the civil officers of Christian county shall have all the jurisdiction and powers within said boundary which they now have until said election in April, 1869, and until the officers then elected shall qualify.

Approved March 13, 1869.

CHAPTER 2045.

AN ACT to amend an act, entitled "An act to amend an act to reduce into one the several acts incorporating the Town of Flemingsburg," approved March 7th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when any person or persons who may own real estate within the corporate limits of the town of Flemingsburg, and now subject to taxation for town purposes, shall fail to pay such taxes as are now due or when the same becomes due, and after the same shall be demanded of them by the marshal of said town, or other person properly authorized to collect taxes in said town for town purposes, and if there be no personal estate which said marshal can distrain for such tax, the trustees of said town may, by motion in the Fleming circuit court, ten days' notice having been first given to such delinquents, have judgment against such person or persons failing to pay such tax, with interest on the amount due, and also for the costs of said motion, and upon which judgment execution may issue in the name of said trustees to enforce the collection of the same.

§ 2. This act shall take effect from and after its passage.

Approved March 13, 1869.

CHAPTER 2046.

1869.

AN ACT to Charter the Louisville Rose Pearl Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established, in the city of Louisville, a body-politic and corporate for thirty years, by the name of the Louisville Rose Pearl Company, with power and authority in that name to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places, as a natural person; and may have and use a common seal, and change, alter, abolish, and renew the same at will; and may do such acts and things as may be deemed expedient and proper for the successful management of its property, business, and affairs: *Provided*, The same are not contrary to law or this charter.

§ 2. The property, business, and affairs of said corporation shall be under the direction, management, and control of a board of directors, to consist of not less than three nor more than seven stockholders, as the by-laws may from time to time regulate and prescribe; and John G. Barrett, John A. McClellan, W. B. Belknap, Arthur Peter, and J. Lawrence Smith, and any others whom they may think proper to choose, not exceeding the limit above prescribed, are hereby constituted and appointed a board of directors for said corporation, to serve as such until the first election by the stockholders, and until others are elected and qualified; and the said board of directors shall provide in the by-laws for the annual election of a board of directors after one year from the first organization of the corporation; and the board of directors shall always hold their office until their successors are duly elected and qualified; and in elections for directors, each stockholder shall be entitled to one vote for each share of stock he or she may own, and may cast the same in person or by proxy; and the board of directors may provide a form for the appointment of proxies, and specify the evidence that shall be required in the execution thereof.

§ 3. The board of directors shall elect one of their own number president of the company; and they may elect or appoint, in [such] manner [as] they may think proper, such other officers, agents and servants, as they may deem necessary to conduct and carry on the business and affairs of said corporation; and pay them such sums as wages and salaries, and take from them such bonds to secure from them the faithful performance of their respective duties, as they may think proper and reasonable; and upon any bonds thus taken recovery may be had for breaches of the conditions thereof; and the board of directors are hereby authorized and empowered to enact and put in force, from

1869. time to time, such rules, by-laws and regulations, for the management and government of said corporation, its property, business and affairs, as they may deem advisable, and alter, amend, and repeal the same at pleasure; and they are also hereby authorized and empowered to fill all vacancies occurring in the board between the annual elections.

§ 4. The capital stock of said corporation shall consist of not less than one hundred nor more than two thousand shares, and the shares of the par value of one hundred dollars each, as may be regulated and prescribed, from time to time, by resolution or by-laws; and the persons named in the second section of this act may open books for and receive subscriptions to the capital stock of said corporation, at such times and places, and subject to such terms and conditions, as they may deem advisable. They may prescribe in the subscriptions what failure shall authorize a forfeiture of the stock subscribed for. The shares shall be personal estate, and transferable on the books of the corporation according to its by-laws; but the corporation shall hold a lien on the shares of any stockholder who may be indebted to it; and such shares shall not be sold and transferred until such debt shall be paid or discharged.

§ 5. The business of said corporation shall be to trade in and manufacture, as a natural person, a new substance known as rose pearl, of every sort and description whatsoever. Said corporation is authorized and empowered to acquire and hold, possess, occupy, and enjoy, such real estate, not exceeding in value of fifty thousand dollars, and personal property, goods and chattels, materials, and other things, as may be convenient and desirable for the transaction of its business, and may use and dispose of the same in any manner, as a natural person.

§ 6. This act shall take effect and be in force from its passage.

Approved March 13, 1869.

CHAPTER 2047.

AN ACT to incorporate the Working Men's Mutual Relief Association, of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. Browder, C. C. Ham, N. A. Speer, C. O. Smith, G. W. Brush, J. S. Dutcher, J. T. Smith, T. J. Finnie, J. R. Simpson, G. F. Gage, James S. Wools, D. J. Hooser, S. W. Speer, and their successors, be, and are hereby declared to be, a body-politic and corporate, by the name and style of The Working Men's Mutual Relief As-

sociation, of Kentucky; and by that name may sue and be sued, plead and be impleaded, in all the courts of record in this State or elsewhere, and have perpetual succession; to have, make, and use a common seal, and the same to break, alter, or amend at pleasure; to ordain and establish such by-laws, ordinances, and regulations, as they may think necessary to carry into effect this act, or to promote the object and design of this corporation: *Provided*, That such by-laws, ordinances, and regulations, or acts, be not inconsistent with the laws of this State or of the United States.

1869.

§ 2. The object and design of this association is mutually to insure the lives of all the members, according to classification, by paying, at the death of a member, at the rate of one dollar (\$1) per member in the class to which he may or she may belong.

§ 3. This association may be divided into two or more classes, consisting of five thousand (5,000) members each, and two or more classes consisting of one thousand (1,000) members each.

§ 4. This association shall be organized by the persons named in the first section electing from their number an executive board of five or more, and as many directors, and also a president, vice president, secretary, and treasurer. Said officers shall, and the executive board shall, hold their office for one year, and until their successors be elected. In case of vacancy from any cause, the remaining directors may elect others to fill said vacancy until the annual meeting of the members of the association.

§ 5. The affairs of the association shall be managed by the president, secretary, treasurer, executive board, and directors, five of whom, or seven of whom, shall constitute a quorum for business. They may appoint such clerks and other officers as they may find necessary properly to conduct the business of the association, and allow them suitable compensation; and all of those officers shall hold their places during the pleasure of said board. The board shall have power also to appoint agents in any part of the State or elsewhere; and at their discretion may take from said agents bonds, with approved security, conditioned for the faithful performance of their duty, such agents being removable at the pleasure of the president and secretary, subject to the approval of the executive board and directors. The board may allow to the president, secretary, and treasurer, a suitable or reasonable compensation for their services.

§ 6. The funds of the association, however derived, may be invested or loaned in any stock or real security, or be used as the directors and executive board, with the officers, may determine at their annual meeting, as other corporate

1869. bodies, with full power to manage their finances, &c., as may be right and lawful and proper.

§ 7. The annual election of directors shall be held in the city of Louisville, Kentucky, on the first Tuesday in January, 1870, or earlier, and in each year thereafter. All the members of the association present at said annual meeting shall be entitled to vote, or absent members by proxy; said directors to be elected by ballot.

§ 8. All certificates of membership in the association, and other contracts made by the association, signed by the president and countersigned by the secretary, shall be obligatory on said association, and have the same effect as if attested by a corporate seal.

§ 9. The directors shall meet semi-annually in December and June of each year to examine into the condition of the association, and report thereon; and all the directors shall meet annually, on the first of June or December, as they may elect.

§ 10. This act shall be in force from and after its passage, and shall be subject to alterations, modifications, amendments, or repeal, at the pleasure of the General Assembly.

Approved March 13, 1869.

CHAPTER 2048.

AN ACT to incorporate the Brandenburg and Webster Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company
formed. § 1. That a company is hereby formed, under the name and style of the Brandenburg and Webster turnpike road company, for the purpose of constructing and maintaining an artificial road from the town of Brandenburg, in the county of Meade, to the dry bed of Sinking creek, near the town of Webster, Breckinridge county, Kentucky.

Capital stock. § 2. The capital stock of said company shall be thirty thousand dollars, divided into shares of fifty dollars each.

Commissioners to open books for the subscription of stock. § 3. Books for the subscription of stock in said company shall be opened on the second Saturday in March, 1869, or as soon thereafter as convenient, at the town of Brandenburg, in the county of Meade, under the direction of James Ashcraft, Richard Herndon, John L. Henry, Wm. Hendrick, and C. M. Shane, and at the storehouse of McGlothlin & Henderson, in Breckinridge county, under the direction of Dr. Ben. Wathen, R. M. Wathen, Nicholas Lyddan, Dr. Geo. Kurtz, and Addison English, or some one or more of them, at each place, who are hereby appointed commissioners of said road. The commissioners at each place shall procure

a book, and the subscribers to the stock of said company shall enter into the following obligation in said book or books: "We, whose names are hereunto subscribed, promise to pay to the president, directors, and company of the Brandenburg and Webster turnpike company, the sum of fifty dollars for each share of stock in said company, agreeable to an act of the General Assembly incorporating said company. Witness our hands this — day of —, 1869." The said commissioners, or a majority of them, shall give notice of the time and place of opening the books for the subscription of stock in said company by three written notices, posted up in three several public places in each county; and said books shall continue open for two weeks for subscription of stock, and no longer, unless a majority of all the commissioners otherwise order.

1869.

Obligation of subscribers.

§ 4. When the books for subscription of stock in said company are closed, should five thousand dollars or more be subscribed, a majority of all the commissioners shall call a meeting of the stockholders of said company at Brandenburg, to hold an election for a president and six directors, who shall hold their offices for one year, and until their successors shall be elected and qualified. The said president and directors, before they enter upon the duties of their offices, shall take an oath before any officer authorized to administer an oath, that they will faithfully perform the duties of their respective trusts without favor or affection, according to the best of their judgment. Upon the qualification of the president they shall appoint a treasurer and such other officers as they may deem necessary, who shall hold their offices for one year, or until others are appointed and qualified. The treasurer, before he enters on the duties of his office, shall give bond, with one or more good securities, in such penalty as the president and directors may direct, payable to the president and directors of said company, conditioned that he will faithfully discharge the duties of treasurer, and that he will, when called on, pay the amount of money in his hands to the order of the president and directors, and that he will perform all the duties required of him by the by-laws of said company.

When president and directors to be elected.

To take oath.

Treasurer and other officers to be appointed.

Treasurer to give bond.

§ 5. Upon the election and qualification of the president and directors as aforesaid, they shall be a body-politic and corporate, in deed and in law, by the name and style of the Brandenburg and Webster turnpike road company; and by said name said company shall have perpetual succession, with all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock and the increase and profits thereof; of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring,

Corporate powers.

1869. and conveying, in fee simple, all such lands, tenements, hereditaments, and real and personal estate, or so much as may be necessary for them in the prosecution of the work; to sue and be sued, defend and be defended, in courts of record or other place; also to have a common seal, and to do all and every thing which a body-politic and corporate may lawfully do.

Calls on
stock. location
of road, &c.

§ 6. The president and directors, after being qualified, may call upon the stockholders for any sum not exceeding ten dollars upon each share of stock subscribed, to have the route of said road surveyed and located; and it shall be located on or as near to the present road, leading from Brandenburg to Webster, as a due regard to economy, directness, and practicability of route, will justify; and their location of the road shall be conclusive of the facts as to the best route for said road. When the route of the road is fixed, they shall cause the necessary surveys to be made, to ascertain what persons and what real property lie within two miles of said road on either side thereof.

Meade and
Breckinridge
counties to
vote upon tak-
ing stock.

§ 7. It shall be the duty of the county court judges of Meade and Breckinridge counties, at the first regular term of said courts occurring thereafter, upon the written request of the president and directors of said road, to cause polls to be opened, and the following propositions submitted to the qualified voters living within two miles of said road: "Are you for the tax?" "Are you against the tax?" The vote shall be taken at Webster, in Breckinridge, and Brandenburg, Meade county; and the judges of the county courts of the respective counties shall appoint the proper officers to conduct said election. The sheriff, or some one of his deputies, of the respective counties, shall attend said election with the authority, and perform the duties required of them in other elections occurring under the laws of this State. The time and place of voting, and propositions to be voted for, shall be advertised by written notices posted up by the sheriffs of the respective counties, at least fifteen days before the vote is taken, and at least one such notice shall be put up in Brandenburg and one in Webster, and the other notices on or near the said road at some public place. It shall be the duty of the county judges of the respective counties to take all needful measures to secure a full and free expression of the will of the qualified voters within the district proposed to be taxed; and it shall be the duty of the sheriffs of the respective counties, on the day after said election shall be had, to meet at the county court clerk's office in Brandenburg, with the poll of the said election, and they, together with the county judge and county attorney of the county of Meade,

Sheriff to at-
tend election.
&c.

shall constitute a board to examine and compare said polls; and it shall be the duty of said board, when they have ascertained the result of the election by a comparison of said polls, to certify the vote for and against the tax to the county courts of Breckinridge and Meade counties; and the county judges of the respective counties shall, at the first regular term of their court after said election, cause the certificate of said board to be spread upon the records of their respective courts. That unless a majority of the voters in the proposed boundary, residing in Breckinridge county, vote in favor of said tax, there shall be no power under this charter to levy, assess, and collect a tax for the purposes herein provided in said county.

1869.

§ 8. If a majority of all the qualified voters within the district of two miles of said road as located shall vote for the tax, it shall be the duty of the county judges of the respective counties to levy the tax at the first regular term of their courts thereafter. They shall levy such an ad valorem tax upon all the real property in said district as will, after making a reasonable allowance for delinquencies, when added to the sums subscribed, make the sum of thirty thousand dollars; and they shall cause a list of the property, its valuation, and to whom assessed, and the rate of taxation, to be posted at some public place in Webster, Breckinridge [county], and a like notice at the courthouse door in the town of Brandenburg, and a notice to the tax-payers that if they will pay the *pro rata* on the amount assessed to them, in sixty days after the notice is posted, to the treasurer of said company, and if not paid within sixty days, there will be five per cent. added to their list, which shall be collected by the sheriffs of the respective counties, together with the sum assessed upon the said delinquent; and if any tax-payer has subscribed any stock, the same shall be deducted by the treasurer from his *pro rata* taxes; and the county judges, in assessing the taxes, shall be governed, as far as practical, by the assessors' books for the year 1869.

Tax to be levied if majority vote for it.

§ 9. These taxes shall be collected as State taxes are collected, if not paid to the treasurer as provided in the preceding section, and by the same officers, who shall have the same compensation, and be subject to the same amercements for neglect of duty, as sheriffs are subject to for failing to collect and pay over the State revenue. The collecting officers shall execute bond, with approved securities, payable to the Commonwealth, in sufficient penalties, conditioned for the faithful collecting and paying over the amounts collected by them, and for the faithful performance of all the duties herein required of them.

How collected, & to whom paid.

1869.

Powers of collectors.

§ 10. The collecting officers, in order to make such collections, shall have the same power of distressing, advertising, and selling personal estate which they have or may have in collecting State revenue; and when unable to find personal property subject to tax in their respective counties, they shall levy upon real estate, and may sell the same, subject to redemption as real estate is by law when sold under execution; and, as collections are made by said collecting officer, they shall be paid over to the treasurer of the company, and his receipt be taken therefor.

Receipts to be given tax-payers, &c.

§ 11. The tax-payer shall be entitled to demand and receive from the treasurer, when payment is made to that officer, as hereinbefore provided for, or from the sheriff, when payment is made to him, a receipt for the amount of tax paid; and any such tax receipt or receipts for every fifty dollars shall entitle the tax-payer or his assignee to a certificate of one share, and a receipt for the amount over one share. The certificates of stock shall be transferable by an assignment indorsed thereon by the assignor, with his name subscribed thereto; and a surrender of said certificate may be made to the company and a new certificate demanded and received in the name of the assignee; and when a new certificate shall have been issued as herein provided for, the holder thereof shall become a member of said company, and be entitled to all the rights and privileges of the original holder.

Certificates of stock transferable.

Certificates of stock, how signed.

§ 12. The certificates of shares shall be signed by the president and countersigned by the treasurer; and each certificate shall be for one share; but no certificate of a share shall be granted to any stockholder until full payment is made of such share.

Called meetings, quorum, &c.

§ 13. The president may call meetings of the directors at such times and places as he may deem proper. A majority of all the directors shall constitute a quorum to do business. They shall keep a record at such meetings of their proceedings in a book provided for that purpose. The board of directors may allow the president and treasurer such compensation as they may deem reasonable; and the president and directors shall have power to fill all vacancies that may occur during the year for which they are elected.

Eligibility of president, &c.

Annual elections, &c.

§ 14. No person who is not a stockholder, and who is not a resident of the counties of Breckinridge or Meade, shall be eligible as president, director, or treasurer; and the president, directors, and treasurer shall cease to be such on their removal from said before named counties, or on their ceasing to be stockholders. There shall be an annual election for president and directors on the first Saturday in May, at Brandenburg; and each stockholder shall have one vote in person or by proxy at such election;

and it shall be the duty of the outgoing president and treasurer, at the close of their respective terms, annually, to lay before the stockholders an expose of the condition of said company, together with the records of their proceedings for the year; and the president and directors shall have power to pass all by-laws necessary for the regulation of their proceedings; to provide the time and proportion in which the stockholders and tax-payers shall make payment; but no *pro rata* payment shall be called for exceeding fifty per cent. of the amount subscribed or assessed as tax during the year 1869; fix the grade of the road, and carry on the work; fix the salary of officers and wages of the employees; to draw all orders on the treasurer for all moneys necessary therefor, and to do all such things as by-law and the by-laws of the corporation they are authorized to do.

1869.

Additional powers.

§ 15 The width of the road shall be forty feet; the grade not less than twenty-four feet; the rock or other material used in the construction of said road not less than ten feet in width. The president and directors shall have authority to fix the thickness of the metal to be put upon said road, and to determine what part shall be stone and what part gravel; and they are hereby authorized to enter upon the lands and inclosures, and the public highways, in, over, and through which said intended road may be thought proper to pass, to examine and survey the grounds thereof, for the purpose of fixing the road-bed and ascertaining what persons and real property are subject to the tax herein provided for; and they may enter upon and appropriate any grounds along the line of said road for stone or gravel-beds, and such other material as may be needed in the construction or repair of said road; and so soon as five consecutive miles of said road is completed, a toll-gate may be erected; and they may erect three toll-gates on said road when the road is completed; but no gate shall be nearer, either to the town of Brandenburg or Webster, than one half mile, and no gate shall be within less than five miles of another gate. The president and directors shall have power to appoint gate-keepers; fix their salaries and the rates of toll; but the toll shall not exceed the rates allowed by the general laws of this Commonwealth for other like roads. They shall cause lists of the rates of toll which they may lawfully demand to be put and kept up at each gate for public inspection.

Width and grade, &c.

May enter upon lands, &c.

When may erect gates and collect toll.

Appoint gate-keepers.

§ 16. The provisions of chapter 103, Stanton's Revised Statutes, so far as not inconsistent with this charter and applicable, shall apply and be held as part hereof.

§ 17. This act to take effect from and after its passage.

Approved March 13, 1869.

1869.

CHAPTER 2049.

AN ACT to incorporate the Union Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry Crawford, Edmund A. Maginness, Bela C. Kent, Benjamin F. Scribner, of Indiana, and E. D. Standeford, John S. Cain, James S. Barret, G. H. Cochran, and L. Cooke, of Kentucky, and their successors and assigns, are hereby constituted and declared a body corporate and politic, to be and remain such forever, under the name and style of the Union Bridge Company; and by that name and style is hereby invested with all the powers incident to corporations.

§ 2. The said corporation is hereby authorized and empowered, under such regulations as may be established by the Congress of the United States, to locate, construct, maintain, and operate a bridge across the Ohio river, extending from some convenient point within the corporate limits of the city of Louisville; thence over Sand Island to some convenient point on the Indiana side of said river; and the said corporation is hereby invested with all the rights, privileges, and powers necessary for the purpose aforesaid; and is authorized to purchase, receive, or condemn, by writ of *ad quod damnum*, and hold as much real estate as may be necessary or convenient for the site of said bridge, piers, abutments, toll houses, and suitable avenues leading to the same; and also such further and other real estate as may be required for any and all other purposes authorized by this act.

§ 3. Said corporation shall have power to construct a railway over said bridge, with as many sets of tracks as may be found convenient; and shall have the right to fix and alter at pleasure the rates of toll for all persons and property passing over said bridge, whether on foot or horseback, or in vehicles of any kind, or in cars propelled by horse or steam power; and for the purpose of collecting said tolls, toll-houses may be erected and maintained at either end of said bridge.

§ 4. Said corporation shall also have full power and authority to connect the line of railway over said bridge by a continuous line of railway, in such manner, and upon such route and terms, as may be deemed most expedient, with any other line of railway whatever; and to maintain, use, operate, and control the said connections when completed, and charge and receive tolls for the use thereof.

§ 5. The capital stock of the said corporation shall be one million dollars, to be divided into shares of one hundred dollars each; the manner of subscription and time of payment to be regulated by the majority of the citizens of Kentucky named in the first section of this act.

§ 6. The said corporation shall have power to borrow money to construct and operate the work above indicated, at such rates of interest, for such times, in such places, and to such amounts, as the directors may deem best, and may execute bonds or other evidences of indebtedness therefor, and secure the payment of the same by mortgage or pledge of the said work hereby authorized to be constructed, or any part thereof, and all the tolls, issues, and franchises thereof; and said corporation is hereby authorized to sell and dispose of the said bonds, or other evidences of indebtedness, upon such terms and discount as may be agreed upon.

1869.

§ 7. The business of said corporation shall be conducted by nine directors, a majority of whom, together with the president, shall be citizens of Kentucky. The persons named in the first section of this act shall be directors until their successors shall be elected and qualified; and should any of said persons decline to serve, the vacancy may be filled by some other person selected by those serving as directors. The board of directors shall, of their number, choose a president, and shall appoint such other officers and agents as may be deemed expedient, and prescribe their several duties, powers, and compensation. Said board of directors shall also have full power to make all necessary by-laws and regulations, and do and perform all acts necessary to fully carry out the purpose of this act.

§ 8. The annual election for directors shall be held on the first Monday in January of each year, at such time and place, in the city of Louisville, as may be prescribed in the by-laws; and at such election each stockholder shall have one vote for each share of stock held by him, her, or it, and may cast the same in person or by proxy.

§ 9. Said corporation shall have the right to contract, at any agreed sum or rate, with any railroad company now existing, or which may hereafter be incorporated, for the annual use of said bridge by the cars and engines, or for the use of said railroad company; and any such railroad company is hereby authorized to subscribe for stock, or purchase the bonds issued by said bridge company; and is further authorized to make any and all such guarantees as to the net earnings of said bridge, over cost of operation and repair, as may be agreed on by the two contracting companies.

§ 10. Said company shall keep its chief office in the city of Louisville, where its books, papers, and records may be open at reasonable hours for inspection by the stockholders.

§ 11. This act is hereby declared to be a public act, and shall be in force from and after its passage.

Approved March 13, 1869.

1869.

CHAPTER 2051.

AN ACT in relation to certain Town Lots in the Town of Morganfield.

WHEREAS, It is represented to this General Assembly, that, at the original sale of lots in the town of Morganfield, county of Union, and State of Kentucky, in the year 1811, one Charles Nerinx, a German alien, and a Catholic priest, purchased three of said lots, known and designated on the plat of said town as lots Nos. 87, 89, and 90, for the use and benefit of, and paid for the same with the funds of, the Catholic Church of Kentucky; and that, by mistake, the title to said lots was conveyed to said Nerinx, who has long since died an alien, intestate, and without issue or kindred in the United States; and whereas, said lots have, for the last past thirty years, been claimed and held possession of by E. J. Durbin, a Catholic clergyman of Kentucky, and successor of said Charles Nerinx as pastor of the Catholic congregations in Union county, in the name and for the use and benefit of the said Catholic Church of Kentucky; now, therefore, to quiet the said church in its ownership and enjoyment of said lots,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the title to said lots Nos. 87, 89, and 90, in the town of Morganfield, shall, and hereby does, vest in William McClosky, Catholic Bishop of the Diocese of Louisville, and his successors, by him and them to be held or alienated for the sole and exclusive use, benefit, and behoof of the Catholics of said town of Morganfield and its vicinity.

§ 2. Said lots to be used for a church-yard or cemetery, or sold, and the proceeds applied towards erecting a church in or near said town, for the use of the Catholics of said town and its vicinity.

§ 3. This act to take effect from and after its passage.

Approved March 13, 1869.

CHAPTER 2054.

AN ACT to incorporate Calvary Church, in the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The present and future communicants and pew-holders of Calvary Church, in the city of Louisville, so long as they continue communicants and pew-holders therein, shall be, and are hereby, created a body-politic and corporate, by the name of Calvary Church; and shall by that name have power to sue and be sued, to implead and be impleaded, to contract and be contracted with; and

to purchase, acquire, and hold property, real and personal, for a church and all appurtenant buildings, including a parsonage and its appurtenant buildings, and ground for a graveyard, as a natural person might. The church lot shall be within the corporate limits of said city; the parsonage may be within or without it; and the graveyard within or without it, as general or local laws of the State, and the ordinances of said city, may prescribe. In case of schism or division, the general laws of the State shall determine the rights of the parties.

1869.

§ 2. The vestry of said church shall be a board of directors of said corporation, of which the rector shall be president, and the senior warden vice president; and they may elect such other officers as they may deem necessary; and may take bond, with surety, of any officer; and said board of directors may also sell and convey any property of the corporation or congregation; and a sale and delivery of personalty and of realty, a deed of the corporation, acknowledged and delivered by the president of the board, shall be evidence; to erect a church with appurtenant buildings, and a parsonage with appurtenant buildings, and the same to improve and repair; to lay out, improve, and decorate a graveyard, and the same to repair and enlarge; to borrow money not exceeding one hundred thousand dollars; to give evidences of debt therefor, including the bonds of the corporation, of any denomination and rate of interest, with coupons attached, bonds and coupons redeemable and payable when and where the board may determine; to pledge or mortgage any property of the corporation to secure the same; to adopt and alter a seal for the corporation; to make and alter by-laws for the corporation, not inconsistent with the Constitution and laws of this State and of the United States, and generally to manage the secular affairs of the corporation. The board shall keep a record of its proceedings, and a copy thereof, or of any of the papers of the corporation, attested by its recorder, shall be evidence in any case.

§ 4. Full power is reserved to the Legislature to repeal, alter, or amend this law.

§ 5. This act shall take effect from its passage.

Approved March 15, 1869.

1869.

CHAPTER 2055.

AN ACT for the benefit of C. S. Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant upon the Treasurer in favor of Charles S. Green for the sum of thirty-nine dollars and fifty-six cents, the amount paid by said Green into the Treasury of this State as surety for G. C. Bronaugh in damages.

§ 2. This act to be in force from its passage.

Approved March 15, 1869.

CHAPTER 2056.

AN ACT to repeal section 2 of an act to amend an act to charter the Columbia and Burksville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of said act be, and the same is, hereby, repealed.

§ 2. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2057.

AN ACT for the benefit of William Wilson, late Sheriff of Union County.

WHEREAS, It is represented to this General Assembly that William Wilson was the sheriff of Union county in the year 1866, and that a balance is still due by him on the revenue of said year, for which a judgment has been rendered against him, with damages; and that the said Wilson has not received credit for his militia delinquent list for said year; and whereas, it is represented that a portion of the revenue for said year, collected by him, was applied by his deputy, S. A. Davis, in payment of a balance due by said Davis, as sheriff of said county, on the revenue for 1865; and that the said Davis, as such sheriff, has not received credits for his delinquent lists of forfeited lands and Auditor's lists for the years 1864 and 1865; and that the said Davis has consented that the amount of said lists may go to the credit of said Wilson; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to receive said lists as though returned in proper time; and to allow the said

William Wilson the amount thereof as credits upon any balance due by him on the said judgment. 1869.

§ 2. That the damages adjudged against the said Wilson, as aforesaid, be, and they are hereby, remitted; and that he be forever released from the payment thereof.

§ 3. This act to take effect and be in force from and after its passage, except as to the militia delinquent list of 1866; and as to said list, it is to take effect and be in force from and after the date of the receipt of said list by the Auditor.

Approved March 15, 1869.

CHAPTER 2058.

AN ACT for the benefit of William O. Newman, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William O. Newman, John Brockman, and John Shannon, be, and they are hereby, released from the payment of two hundred and four dollars and seventy-two cents, the damages assessed against them as securities for George A. Clarke, in his revenue bond as sheriff of Metcalfe county for the years 1864 and 1865, and for which judgments were rendered by the Franklin circuit court against said securities, as well as also for the unpaid revenue, all which has been paid off by said securities, including the cost and attorney's fee.

§ 2. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2059.

AN ACT for the benefit of Jordan Neal and his Securities, as late Sheriff of Estill County.

WHEREAS, A judgment was rendered in the fiscal court, at its June term, 1868, in favor of the Commonwealth against Jordan Neal, late sheriff of Estill county, and his sureties, for the sum of one thousand one hundred and ninety-two dollars, with interest and cost, and twenty per cent. damages, amounting to two hundred and thirty-eight dollars and forty-seven cents; and whereas, said Neal has paid all of the principal, interest, and cost of said judgment; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Jordan Neal and his securities are hereby forever released from the payment of twenty per cent. damages on said judgment.

§ 2. This act shall be in force from its passage.

Approved March 15, 1869.

1869.

CHAPTER 2061.

AN ACT to revive and amend an act for the benefit of G. J. Cundiff, &c.,
Sureties of J. B. McWhorter, approved 5th February, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of G. J. Cundiff, &c., sureties of J. B. McWhorter," approved 5th February, 1867, be, and the same is hereby, revived, and shall continue in force for two years from February 5th, 1867, and that the said act be so amended as to authorize the sheriff or any constable of Taylor county to do and perform all the powers and duties conferred on G. J. Cundiff, Robert Russell, and J. B. Beams by the act aforesaid, subject to all the penalties for illegal collection or distress.

§ 2. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2062.

AN ACT for the benefit of Mrs. Julia Brame, of Webster County.

WHEREAS, It is represented to this General Assembly that the Webster circuit court, at its January term, 1868, made an order in words and figures as follows, to-wit: "It appearing to the satisfaction of the court that Fabian Brame, an idiot, is still alive, in the care of his committee, Julia Brame, and has been since the finding in March, 1866, and has not sufficient estate for his support, and that his parents are dead, and that said committee has received no allowance by reason of said idiot's being ordered to the asylum by said order in March, 1866; it is therefore ordered, that the allowance of fifty dollars per annum be continued from the last payment, and the same to be certified to the Auditor of Public Accounts;" in remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer of the State in favor of Julia Brame, for the sum of one hundred dollars, to be paid out of any moneys in the Treasury not otherwise appropriated.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 15, 1869.

CHAPTER 2063.

1869.

AN ACT to amend the Charter of the Cairo Junction Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Cairo Junction railroad company is hereby authorized to lease or sell their road to any railroad company that they may see proper, and upon such conditions as they may see fit; and they are further authorized to make connections with any railroad, upon such terms and conditions as they may agree upon.

§ 2. This act to take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2064.

AN ACT for the benefit of Robert Riddell, jr.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is directed to draw his warrant in favor of Robert Riddell, jr., for thirty dollars, to be paid out of any money not otherwise appropriated, this being the amount allowed him for acting as attorney *pro tem.* for the Commonwealth, at the Breathitt circuit court, October term, 1867.

§ 2. This act shall be in force from its passage.

Approved March 15, 1869.

CHAPTER 2065.

AN ACT for the benefit of A. C. Cox, of Green County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. C. Cox, sheriff of Green county, be, and he is hereby, released from the payment of the damages adjudged against him in the Franklin circuit court for failing to pay over the revenue in the time prescribed by law from him as sheriff of said county for the year 1867. The said sheriff having, since said judgment, paid the principal, interest, and cost into the Treasury.

§ 2. This act to take effect and be in force from its passage.

Approved March 15, 1869.

1869.

CHAPTER 2066.

AN ACT for the benefit of A. G. Coffee, John Johnson, and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of a judgment in favor of the Commonwealth against A. G. Coffee, John Johnson, and others, as securities of William T. Jackman, late sheriff of Russell county, as was for damages, to-wit: Two hundred and seventy-three dollars and forty-three cents (\$273 43), be, and the same is hereby, remitted, so far as the sureties of said Jackman are bound, but no further. That the sum of money said sureties have paid into the Treasury on said damages, to-wit: ninety-one dollars and seventy-one cents, shall be refunded to them; and the Auditor of Public Accounts is hereby directed to draw his warrant for the said sum of ninety-one dollars and seventy-one cents in favor of said A. G. Coffee and John Johnson, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2067.

AN ACT for the benefit of Samuel Ellis, Sheriff of Lewis County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said sheriff shall have until the April county court, to be held for said county in 1869, to make out and return his delinquent list of those charged with State or county tax, or both, and who have failed to pay said tax.

§ 2. This act shall take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2068.

AN ACT for the benefit of James W. Lindon, Sheriff of Breathitt County.

WHEREAS, Judgments have been rendered in the fiscal court of Kentucky against James W. Lindon, late sheriff of Breathitt county, for \$—, for revenue for the year 1866, and \$— for revenue for the year 1867; and whereas, the said Lindon produced, swore to, and filed in the Breathitt county court, at its June term, 1868, his delinquent list for said years, which was approved and allowed by the court, certified and mailed to the Auditor, but failed

to reach him in time to be allowed as a credit for the revenue of said years; now, therefore,

1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is directed to give said Lindon a credit for the amount of his delinquents for each of said years, as though they had been received in due time; and the damage on said judgments is hereby released.

§ 2. This act to be in force from its passage.

Approved March 15, 1869.

CHAPTER 2069.

AN ACT for the benefit of R. L. Cooper, Jno. Salyers, and James Howard, securities of W. J. Coffee, late Sheriff of Magoffin County.

WHEREAS, At the January term, 1868, of the Franklin circuit court, there was a judgment rendered against Wiley J. Coffee, late sheriff of Magoffin county, and his sureties on his revenue bond, for the revenue due from said county for 1864, with interest and cost, and two hundred and thirty-eight dollars and twenty-four cents damages; and whereas, the above named Cooper, Salyers, Howard, and Lemaster, have paid off and satisfied the principal, interest, and cost of said judgment; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said R. L. Cooper, John Salyers, James Howard, and Ambrose Lemaster, are, and they are hereby, forever remitted and released from the payment of said damages of two hundred and thirty-eight dollars and twenty-four cents, except attorney's fees as aforesaid.

§ 2. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2071.

AN ACT for the benefit of Thos. G. Poore, late Trustee of the Jury Fund for Hickman County.

WHEREAS, It appears that, on the 11th day of February, 1868, Leake & Toole were, by the presiding judge of the Hickman county court, fined one hundred dollars each for peddling in violation of law; and that, on the 18th of February, 1868, said fines were remitted by the Governor of this Commonwealth; but that, before said remission was made, that said fines had been collected by the jailer of Hickman county and paid over to T. G. Poore, trustee of the jury fund for said county; and it further appearing

1869. that, in obedience to an order of the Hickman circuit court, based upon said remission by the Governor, said Poore paid back to Leake & Toole one hundred dollars, the amount of said fines to which the State was entitled, now, in view of the fact that said order of court was unauthorized by law, but that said Poore obeyed the same in good faith, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said T. G. Poore be, and he is hereby, released from any and all liability to the Commonwealth of Kentucky on account of said one hundred dollars; and the Auditor of Public Accounts is directed to allow him a credit of said amount in the settlement of his accounts as trustee of the jury fund as aforesaid.

§ 2. This act to take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2072.

AN ACT for the benefit of Wm. J. Ashcraft, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasury for forty dollars, payable to William J. Ashcraft, Silas Alexander, and Andrew Floyd, which shall be paid out of the Public Treasury of money therein not otherwise appropriated; the same being allowed them for expenses and services in carrying Joshua Alexander to the Lunatic Asylum.

§ 2. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2073.

AN ACT for the relief of the Securities of James Bartley, late sheriff of Monroe County.

WHEREAS, James Bartley qualified as sheriff of Monroe county in January, 1865, and again in January, 1867, and executed official bond as such, with various persons as his securities; and whereas, during his continuance in office, there came to his hands for collection various executions in favor of the Commonwealth of Kentucky, against persons in said county, for various sums of money, which issued upon judgments of the Monroe circuit court for fines and forfeitures, which executions were held up and not returned to the office from whence they issued for more than thirty days after the return day named therein—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1869.

§ 1. That the securities of said Bartley, in both his official bonds aforesaid, are hereby released from all liability to the Commonwealth of Kentucky for any and all of said fines and forfeitures, on account of said sheriff failing to return said executions in the time prescribed by law: *Provided, however,* This act is not to be construed so as to exempt them from liability for any execution, or any part thereof, which is for cost, or for any part of any execution which was collected by said sheriff.

§ 2. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2074.

AN ACT for the benefit of Thomas L. Floyd, late Sheriff of Spencer County.

WHEREAS, Judgment was rendered in the Franklin circuit court against Thomas Floyd, late sheriff of Spencer county, for the balance of the revenue due by him for the year 1867; which balance, with its interest, cost, and damages, has been collected from said Floyd, under execution against him, and paid into the treasury; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of five hundred and eighteen dollars and forty-nine cents, in favor of the said Thomas Floyd, it being the damages paid by said Floyd, as aforesaid, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2075.

AN ACT for the benefit of T. M. Conditt, of McLean County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. M. Conditt, sheriff of McLean county, and his securities in his revenue bond for the collection of the revenue of said county [for] the year 1867, be, and they are hereby, released from the payment of that part of the judgment of the Franklin circuit court against them for the revenue aforesaid, which is for the twenty per cent.

1869. damages, to-wit: eighty-three dollars and two cents; the principal, interest, and cost all having been paid.
§ 2. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2076.

AN ACT for the benefit of Maria Moore, of Lanrel County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer in favor of Maria Moore, for the sum of sixty-seven dollars and forty-five cents, to be paid out of any money in the Treasury not otherwise appropriated, being the amount expended by said Moore in conveying Campbell D. Moore, a lunatic, to the Lunatic Asylum.

§ 2. This act shall be in force from its passage.

Approved March 15, 1869.

CHAPTER 2077.

AN ACT for the benefit of the Mississippi Valley Life Insurance Company, of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of this Commonwealth may receive from the Mississippi Valley Life Insurance Company, of Covington, and may hold the same as security for the benefit of the assured in said company, bonds of the State of Kentucky, or of any of the States of the United States, or of the United States, or the bonds of any railroad corporation, or of any county or city of this State authorized to be issued by an act of this General Assembly, or bonds or mortgages on unencumbered real estate in this State, worth seventy-five per cent. more than the amount loaned thereon; and said securities, when so deposited, shall be held for the uses aforesaid: *Provided*, That said Auditor may at any time permit the withdrawal of any of said securities upon the substitution of others of equal value: *And provided further*, That all interest accruing upon such securities may be collected by said company; and for that purpose, coupons of any bonds or other securities deposited may be detached from time to time, as the same matures, and may be delivered to the company.

§ 2. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2078.

1869.

AN ACT to amend the Charter of the Town of Woodburn, in Warren County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Woodburn, in Warren county, shall have the exclusive right and authority to license or not, as they may choose, any or all taverns, coffee-houses, and groceries within said town, to sell spirituous liquors by the retail, in any quantity: *Provided*, That when any license shall be granted by said trustees, that the tax imposed by the laws of the State shall be paid over to the county court clerk of Warren county.

§ 2. The trustees shall have the lawful power to suspend the sale of spirituous liquors for a temporary period, when in their judgment it would be conducive to the good order and peace of said town; and they may punish by fine persons who shall fail or refuse to obey the order of suspension.

§ 3. This act shall take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2079.

AN ACT for the benefit of S. J. Taylor, Committee for Wm Cox.

WHEREAS, It appears that Wm. Cox was, by the judgment of the Butler circuit court, rendered in the year 1859, found to be an idiot, and had no estate except an interest in a small tract of land, which was subsequently sold upon the application of S. J. Taylor, his committee, and brought at said sale about two hundred dollars; and whereas, it appears that, on the 1st of August, 1868, another inquest was held upon said Cox, and it was found that he was still an idiot, incapable of laboring for a support, and that he had been supported and maintained for six years prior to said last finding by, and out of the means of, his said committee; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and instructed to draw his warrant on the State Treasurer in favor of S. J. Taylor for the sum of one hundred and fifty dollars for the support by him of said Wm. Cox for six years preceding the first of August, 1868.

§ 2. That this act shall take effect from its passage.

Approved March 15, 1869.

1869.

CHAPTER 2080.

AN ACT to amend an act, approved 9th March, 1867, entitled "An act to incorporate the Bourbon Bank."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved 9th March, 1867, entitled "An act to incorporate the Bourbon Bank," be amended by striking out of the third section thereof the words "two thousand shares," and inserting in lieu thereof the words "five hundred shares," and by striking out of said section the words "fifty thousand" wherever they occur, and inserting instead thereof the words "thirty thousand."

§ 2. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2081.

AN ACT to incorporate the Springfield Mutual Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George D. Robertson, Robert A. McElroy, Robert J. Simms, R. J. Browne, J. W. Rinehart, W. R. Casey, Saml. R. Grundy, John H. Wakefield, D. R. Hays, Thos. R. Browne, John M. Smith, J. M. Wycoff, E. L. Davison, E. B. Browne, M. H. Kemberlin, W. H. Bell, W. B. McMeekin, John McIntire, and all other persons who may hereafter become members of said company, are hereby incorporated and made a body-politic, by the name of "The Springfield Mutual Insurance Company," for the purpose of insuring their respective dwelling-houses, stores, shops, and other buildings, household furniture and merchandise, against loss or damage by fire, whether the same shall happen by lightning or any other means, except by the design of the insured, or by the invasion of a foreign enemy, or insurrection of this or any of the United States; and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend, in any court; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the objects of their association, and the same may sell and convey at pleasure; may establish and put in execution such by-laws, ordinances, and resolutions, not being contrary to the laws of this State or of the United States, as may seem necessary or convenient for their regulation and government, and for the management of their affairs; and do and execute all such acts and things as may be necessary to carry into effect the purposes intended by this charter.

§ 2. That sections from two to twenty-five, and including said sections, of an act to incorporate the Kentucky and Louisville Mutual Insurance Company, approved 18th February, 1839, are hereby made a part of this act as fully as though they were herein inserted: *Provided, however,* That meetings of said company provided for in section three of said act shall be held in Springfield, Kentucky.

§ 3. This act shall take effect from its passage.

Approved March 15, 1869.

1869.

CHAPTER 2082.

AN ACT to empower the Trustees of the Princeton Seminary to sell and convey said property.

WHEREAS, The property known as the "Princeton Seminary," located in Princeton, Caldwell county, Kentucky, and which was erected out of the proceeds of sale of the lands granted to Caldwell county for educational purposes, has gone so much to decay that it cannot be used for school purposes; and whereas, there is not sufficient funds in the hands of the treasurer of said institution to repair the building; and whereas, the present county of Lyon was a part of Caldwell county when said land was granted, and the land granted was located in what is now Lyon county, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. C. Mayes, the chairman of the board of trustees of said institution, be, and the same is hereby, authorized and empowered to sell and convey said property, and his deed of conveyance shall vest the title of said property in the purchaser thereof; and the funds arising from such sale, together with all funds belonging to said institution, shall be by the said A. C. Mayes turned over to the commissioner of the school fund for Caldwell county, and shall, at the same time, report the amount thus turned over to the Superintendent of Public Instruction.

§ 2. That the commissioner of the common school fund for Caldwell county shall divide the amount he thus receives in *pro rata* proportion between the common schools of Caldwell and Lyon counties; and he shall turn over that part going to Lyon county to the commissioner for Lyon county; and they shall each report the amount thus received in his next annual report.

§ 3. That this act shall take effect from its passage.

Approved March 15, 1869.

1869.

CHAPTER 2083.

AN ACT for the benefit of Hiram B. Howard and others, of Harlan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Hiram B. Howard be allowed the sum of eight dollars (\$8) for services rendered in pursuing and recovering, in the State of Virginia, Philip Ball, a fugitive from justice, charged with horse-stealing in Harlan county, he being an agent of the Governor. That William Blanton and James McGeorge be allowed, each, the sum of seven dollars and thirty-eight cents (\$7 38), as guards, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2084.

AN ACT to incorporate the Star Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. B. Vance, Jno. C. Stapp, H. F. Turner, and F. Millet, and their associates and successors, be, and are hereby, created a body corporate and politic, under the name of the Star Mining and Manufacturing Company; and by that name shall have perpetual succession, make contracts, sue and be sued; may have and use a common seal; and may prescribe such by-laws and employ such officers and agents, and do such other things, as are proper and necessary for the management and prosecution of its business.

§ 2. The capital stock of said company shall not exceed one million of dollars, to be divided into shares of any denomination that may be determined upon by the board of directors. Said stock may be subscribed and paid for, and transferred and disposed of, in such manner as may be directed by said company.

§ 3. Said company shall have power to acquire and hold by purchase, lease, or otherwise, such real and personal property and mining privilege as they may deem necessary to successfully carry on their business; and they shall have power to lease or sell and convey the same at pleasure.

§ 4. The incorporators named in the first section of this act shall constitute the board of directors of said company until their successors are elected. They may appoint one of their number president of the board, and may appoint such other officers as may be necessary for the purposes

of the company, together with employes, as needed. The time and place and manner of holding elections and filling vacancies shall be fixed in the by-laws. They may increase the number of their board to seven.

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§ 5. The business of said company shall be mining for any minerals and boring for any liquids, and preparing the same for market; and also for manufacturing any and all articles for sale.

§ 6. It shall be lawful for any city or town to subscribe for and hold stock in said company, provided it is concurred in by a majority of the council or trustees of such city or town.

§ 7. The stockholders of this company shall be liable for the debts and contracts of the company only to the extent of their stock, and to no further responsibility.

§ 8. This act shall be in force from its passage.

Approved March 15, 1869.

CHAPTER 2085.

AN ACT for the benefit of Thomas Cook, late Sheriff of Clay County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas Cook, of Clay county, is hereby allowed the sum of fifty-three dollars, for expenses incurred while conveying a pauper lunatic to the Western Lunatic Asylum, by order of the Clay circuit court; and the Auditor is directed to draw his warrant on the Treasurer, in favor of said Thomas Cook, for said sum of fifty-three dollars.

§ 2. This act shall be in force from its passage.

Approved March 15, 1869.

CHAPTER 2086.

AN ACT for the benefit of Joseph Hickerson, of Fleming County.

WHEREAS, Joseph Hickerson did take Abel Hickerson, a pauper lunatic, to and from the Eastern Lunatic Asylum, at Lexington, incurring thereby an actual expense of fifty-three dollars—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant of fifty-three dollars, in favor of said Joseph Hickerson, to be paid out of any money in the State Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved March 15, 1869.

1869.

CHAPTER 2087.

AN ACT to amend an act, entitled "An act to incorporate the Hopkins Mastodon Mining, Iron, and Manufacturing Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the act to which this is an amendment as fixes the name of the corporation thereby created be, and it is hereby, repealed; and that the name and style of the said corporation shall hereafter be "The Mastodon Coal Company," under which name it shall have and enjoy all the rights, powers, franchises, and privileges conferred by the said act, and have and enjoy all the property owned by the said corporation.

§ 2. That section six of the said act shall not be so construed as to impose upon the members and stockholders in said corporation any personal liability for the debts or contracts of the said company, but only to subject therefor the stock and interest of the members and stockholders respectively in the said company.

§ 3. That the president and directors of the said company be, and they are hereby, authorized and empowered to sell, transfer and convey, in such manner as may be provided by the by-laws of the company, so much of the stock of any delinquent stockholder as may be necessary to pay any debt due by him to the company, or any call heretofore made or hereafter made by the stockholders or board of directors of said company as provided by law, and which such stockholder may fail to pay.

§ 4. This act shall be in force when approved by the votes of a majority of the stock represented in any regular meeting of the stockholders, or any called meeting, of which due notice has been given.

§ 5. That section eight (8) of the said act shall apply to the Evansville, Henderson, and Nashville railroad company as though the same were therein named, in lieu of the Henderson and Nashville railroad company.

Approved March 15, 1869.

CHAPTER 2088.

AN ACT for the benefit of the Sinking Fund Commissioners of Hart County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Hart county court, composed of the presiding judge, and a majority of the justices of the peace for said county, are hereby empowered, upon the petition of the sinking fund commissioners of said county, to au-

thorize the issual of the bonds of Hart county, to the amount of eighty thousand dollars, in sums of one thousand dollars each, payable to bearer twenty years after their respective dates, with coupons annexed, for the payment of semi-annual interest upon said bonds, at the rate of not exceeding eight per cent. per annum, at the discretion of the commissioners, the said bonds to be signed by the presiding judge of said county, and countersigned by the clerk of said court, and the coupons to be attested by the said clerk, and to be redeemable after five years, at the pleasure of the commissioners.

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§ 2. The said bonds are to have the words, "This bond to be only negotiable when indorsed with the word 'negotiable,' signed by the treasurer of the sinking fund commissioners of Hart county and the presiding judge of the Hart county court, and attested by the clerk of said court, with the seal of his office annexed. The taxable property of Hart county, and the stock of said county in the Louisville and Nashville railroad company, and the faith of said county, are pledged for the payment of the principal and interest of this bond," embodied in each bond, and are to be issued in sets of not more than twenty in a set, and but one set to be issued until the set previously issued are entirely disposed of, unless by the express authority of the said court composed as aforesaid.

§ 3. Said bonds are to be disposed of, under the direction of said sinking fund commissioners, by the treasurer of said board, in taking up the bonds issued first of April, 1853, first of April, 1854, and first of April, 1855, or of the bonds of oldest date yet unpaid, payable to the Louisville and Nashville railroad company, by exchanging them for said bonds, or using the proceeds of the sale of such bonds in paying former issues of bonds.

§ 4. The principal and interest of said bonds shall be provided for, levied for, and paid for, by the same court and persons, and at the same place, as provided for in an act incorporating the said railroad company, and the several amendments thereto, and in the several orders of said county court directing a vote of the people of said county as the original subscription of stock in said company, and issual of bonds to pay the same, and ordering such subscription to be made.

§ 5. That should a tax at any time be levied upon the taxable property of Hart county to pay the principal or interest of the bonds authorized by this act, the tax-payers shall be entitled to the stock of said county in said company to the extent of their respective payments, to be issued to said tax-payers or their assigns, when receipts to the amount of one hundred dollars are presented, as pro-

1869. vided for in said charter and amendments, and said orders of said courts.

§ 6. This act shall take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2089.

AN ACT for the benefit of Eliza J. Speed, Lucy G. Speed, and others.

WHEREAS, It has been made to appear that the persons named in the title of this act have paid taxes upon their respective residuary estates for the years 1865, 1866, 1867, and 1868, then being included in the residuary estate stock of the Louisville turnpike company, as follows: Lucy G. Speed, forty-five dollars; Mary L. Speed, thirty-seven dollars and fifty-six cents; Eliza J. Speed, sixty-three dollars; L. F. Breckinridge, thirty-nine dollars; Henry Pirtle, one hundred and twenty dollars; James W. Henning, forty-eight dollars; Henning & Speed, seventy-five dollars; and James Speed, fifty dollars; and whereas, under the act of 1864 said company has paid, and will be compelled to pay, taxes upon the dividends of said company, thereby imposing a double tax upon said parties; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sums respectively paid by said parties on their stock in the said Louisville turnpike company, for the years aforesaid, be refunded to them, and the Auditor is hereby directed to draw his warrant on the Treasurer for said amount when called for by the proper parties.

§ 2. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2090.

AN ACT for the benefit of Richard Herndon, of Knox County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the Treasurer in favor of R. Herndon for the sum of twenty dollars, for four days' services as Commonwealth's attorney at the September term of the Knox circuit court for 1867, in the case of the Commonwealth against James Butler, charged with murder.

§ 2. This act to be in force from and after its passage.

Approved March 15, 1869.

CHAPTER 2091.

1869.

AN ACT to amend the Charter of the Town of Shelby City.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Shelby City be amended as follows: That all the elections shall be held on the first Saturday in April.

§ 2. That the police judges shall have jurisdiction in civil causes to the same extent as justices of the peace in Boyle county.

§ 3. That the trustees shall have power to grant or withhold license to sell intoxicating liquors within said town or its limits.

§ 4. That the trustees shall have power to order an election to fill vacancies of police judge in case of death, resignation, or removal.

§ 5. That the police jurisdiction shall be extended one mile in every direction from the corporate limits of the town.

§ 6. All other acts coming in conflict with this act are hereby repealed.

§ 7. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2092.

AN ACT to amend an act, entitled "An act to amend an act to reduce into one the several acts incorporating the Town of Flemingsburg," approved March 7th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That, from and after the passage of this act, the town marshal of Flemingsburg shall possess the right to exercise all the powers and perform all the duties outside of the corporate limits of said town as constables now possess, and shall be subject to the same liabilities as constables for a failure to perform such duties as may be required of them.

Approved March 15, 1869.

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CHAPTER 2095.

AN ACT to amend an act, entitled "An act to repeal the Charter and reincorporate the Town of Elizabethtown."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act, entitled "An act to repeal the charter and reincorporate the town of Elizabethtown, in the county of Hardin," approved February 26th. 1868, be amended by striking out of the nineteenth section of said act the following words, viz: "Except lands used for horticulture or agricultural purposes;" and that all lands within the limits of said town, as included by said act, be subject to taxation, and to be taxed by the trustees of said town as other property named in said nineteenth section.

Approved March 15, 1869.

CHAPTER 2096.

AN ACT to organize and establish a System of Public Schools in the City of Henderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

School district established.

§ 1. That all the territory now embraced within the limits of the city of Henderson shall be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of trustees appointed by the mayor and common council of said city, as hereinafter directed.

School trustees to be appointed.

§ 2. The mayor and common council of said city shall, at some regular meeting, appoint from each ward in said city two suitable persons as school trustees; and the persons so appointed shall constitute and be styled "The Board of Trustees of the Henderson Public Schools;" and by that name shall be known as a body-politic and corporate; and may sue and be sued, contract and be contracted with; may buy and sell and convey real and personal estate, and the title to all school property in said district shall vest in said board and their successors forever.

To take oath.

Mayor to be president of board.

§ 3. The said trustees so appointed shall take an oath faithfully to discharge their duties; and shall, within two months after their appointment, meet and organize. The mayor of the city shall be the president of said board. In case of his absence or inability to act, a majority of said board shall elect one of their number as chairman, to preside and discharge the duties of president *pro tempore*.

Secretary and treasurer to be appointed.

§ 4. The said board shall appoint some suitable person as secretary and treasurer, who shall hold his office for

two years, and until his successor is appointed and qualified, and shall perform such duties as generally pertain to the position of secretary and treasurer. and all such duties as may be prescribed by the said board.

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§ 5. Said trustees shall, at their first regular meeting, divide themselves into two classes, so that each ward shall have a member in each class. They shall then determine by lot which class shall hold their office until the first day of July, 1870, and which class until the first day of July, 1871, which shall be recorded in their journal, and the term of office of each class shall expire upon the day so decided; and the said mayor and council shall, at their regular meeting in the month of April, in the year 1870, and every year thereafter, appoint from each ward in said city one suitable person as school trustee, who shall hold his office for the term of two years: *Provided*, That said trustees shall always hold their office until their successors are duly appointed and qualified: *And provided further*, That when a new ward shall be formed in the city, the said mayor and council shall appoint two trustees from such ward, who shall determine by lot their term of office, as hereinbefore directed, and their successors shall be appointed as hereinbefore directed. All vacancies in said board shall be filled by the appointment of some suitable person by the mayor and common council; but no person shall at the same time be a member of said board and of the common council. Said trustees shall reside in the ward for which they are appointed; and if any trustee shall remove from his ward after appointment, his office shall be vacated and an appointment made to fill such vacancy.

To be divided into classes, & term of office.

Vacancies, how filled.

Trustees to reside in ward for which appointed.

§ 6. The control and management of the public schools of the city of Henderson, and the property and funds belonging thereto, and which may accrue in any way to them, or for their establishment, management, or maintenance, under this act or otherwise, shall be vested in the said board of trustees and their successors in office.

Management of public schools, &c., vested in trustees.

§ 7. The said board of trustees shall have power to make all by-laws and rules for the government of themselves and appointees, and for the dispatch of business, and for the management, control, and government of the schools, and to enforce such by-laws and rules by suitable fines and penalties, to be recovered in any court having jurisdiction of the amount.

May make by-laws, &c.

§ 8. A majority of the members of said board shall constitute a quorum for the transaction of business. They shall meet at least once in every month, and shall fix the time of their meeting, and may meet as often as to them may seem necessary for the transaction of business. A majority of those present may transact any business ex-

Quorum, meetings, &c.

1869.

cept in the making of a contract for the purchase or sale of real estate, for the erection of any building, or for the paying out of money, in which cases a majority of the entire board must concur; and the yeas and nays shall be polled and recorded in the journal.

Cause journal
of proceedings
to be kept.

§ 9. Said board shall cause to be kept a regular and correct journal of their proceedings in a well bound book, which shall at all times be open to the inspection of any of the members of said board, or any member of the common council, or any committee appointed by the said common council.

Appoint teach-
ers, fix compen-
sation, &c.

§ 10. The board of trustees shall appoint all teachers and other persons necessary to successfully carry on said schools, and prescribe all rules for their government, and fix their compensation or salaries, and may dismiss or suspend any teacher or other person appointed by them; prescribe the branches of education to be taught in the schools, grade the schools and classes, and prescribe the necessary qualifications for, and the mode of examination of, pupils or persons applying for admission to the schools. And they shall fix the bounds of sub-districts for each public school within which the children shall be entitled to admission, and shall provide class-books for the children whose parents are unable to purchase them.

All white
children over
six years may
attend.

§ 11. All white children over six years of age within each district shall have equal right of admission to the schools of such district, and no fees or charges for their tuition shall ever be charged in any of the schools.

Catechism,
&c., not to be
taught.

§ 12. No catechism or other form of religious belief shall be taught or inculcated in, nor shall any class-book be used or adopted for, said schools which reflects upon any religious denomination, nor shall any school or class be so conducted as to interfere with the religious belief of parents or pupils.

Secretary and
treasurer to
give bond.

§ 13. The secretary and treasurer, before entering upon his duties, shall execute a bond to the board of trustees, with good and ample sureties, to be approved of by the said board of trustees, conditioned for the faithful performance of all his duties, and to pay over to the proper persons all moneys which may come to his hands by virtue of his said office. The secretary shall attend all meetings of the board, keep their records and papers, and perform such other duties as may be required or prescribed by the said board of trustees. The treasurer shall receive and dispense the money belonging to the school fund; keep accurate and true accounts in well bound books of all his acts, and perform such other duties as may be required or prescribed by said board of trustees. The said secretary and treasurer shall receive for his services a salary to be

Duty of sec-
retary.

Duty of treas-
urer.

Their salaries.

fixed by the said board, and paid at such times as they may direct. 1869.

§ 14. The board of trustees shall, at the end of each scholastic year, and oftener if required by the common council, make out and report to said council a written or printed statement, in such form as may be required by the said council, showing the number of pupils in each of the public schools, and the condition and amount of property and funds belonging thereto, and such other information as the common council may, from time to time, require.

Reports to be made.

§ 15. The mayor and common council of the city of Henderson shall provide the funds for building the school-houses, and paying all expenses of said public schools; and for that purpose an act, entitled "An act to establish an academy in the town of Henderson, in Henderson county," and the several acts amendatory thereof, be, and they are hereby, repealed; and that all the property, money, rights and credits, of the said Henderson Academy, be, and they are hereby, vested in the board of trustees created by this act; and the said board of trustees are authorized to sell and convey all the real estate and interest therein, thus transferred to them, and apply the proceeds thereof; and also any money or credits now held by said academy or belonging to it, and any money otherwise provided by this act to the erection of school-houses in the city of Henderson. When the said board of trustees shall have been organized, it shall be the duty of the trustees of the Henderson Academy to settle their accounts as such trustees with said board, or such persons as they may appoint for that purpose; and to deliver up to said board all property, real and personal, and all moneys, evidences of debt and deeds, or other thing in their possession as such trustees and belonging to the said Henderson Academy; and, on their failure to do so, the said board of trustees shall have the authority to institute suit against them therefor in any court having jurisdiction thereof. It shall be the duty of said board of trustees, as soon as may be after such settlement and transfer of property, to report to the common council the character, value, and amount of the property, notes, and moneys owned by or belonging to the Henderson Academy, and which has come to their hands; and thereupon, if requested by the said board of trustees, it shall be the duty of the common council, and they are hereby authorized and empowered, to issue the bonds of the city of Henderson to such amount as by them requested; but which, when added to the value and amount of the said property, notes and money, shall not exceed the sum of fifty thousand dollars; the said bonds may be of any denomination not exceeding one thousand dollars each, running not longer than thirty

How funds to be provided for building school houses, paying expenses, &c.

Trustees of Henderson Academy to settle accounts with school trustees.

School trustees to report settlement to city council.

City council may issue bonds, &c.

1869. years, and bearing interest at any rate not exceeding ten per cent. per annum, payable semi-annually, or they may issue bonds to such amount, of any denomination, payable at any time, not exceeding thirty years, and bearing interest at any rate not exceeding ten per cent. per annum, payable semi-annually, or at the maturity of said bonds, as said council may deem best. And if any of the said academy property cannot be made available within a reasonable time, in the discretion of the common council, they may issue bonds, as herein provided, for the estimated value of such property; and the proceeds of such property, when sold, shall be applied in payment of the bonds so issued. The said bonds, in this section provided for, shall be made payable to bearer, shall be signed by the mayor and attested by the clerk of said city, and shall pass by delivery, and shall be sold or discounted by the common council, or such person as they may authorize, for the best price they can get, or paid out for any building or any other indebtedness created on account of such public schools. And the common council of the said city shall cause an annual tax to be levied and collected upon the same property, in the said city, as is taxed by the State for common school purposes, and the assessments to be made at the same time as required by law for State revenue, to an amount sufficient to pay the interest on the said bonds and the principal when it falls due: *Provided*, That the property estimated under the equalization law shall not be so taxed. The city assessor shall make the assessments necessary for the fixing and collection of said tax, under such provisions and rules as may be prescribed by the common council of the city; said taxes, and expenses of collecting the same, shall be collected by the marshal of the city or the sheriff of Henderson county, at the direction of the common council, by levy, distress, or sale, in the same manner as the city revenue is collected; and the officer so collecting said tax, shall, with his sureties, be responsible upon his official revenue bond for the faithful discharge of his duties, with such penalties as are now prescribed by law for delinquencies. This tax shall always be collected in money; and shall be separate from the city funds, and shall only be used in payment of the interest and principal of any of said bonds issued under this act: *Provided*, That the interest coupons upon any of said bonds shall be taken in payment of the tax for the interest on said bonds; and any of said bonds themselves may be taken in payment of any debt due the city for municipal purposes. The mayor and common council shall also cause to be levied and collected an annual tax, at the rate of not exceeding thirty cents upon each one hundred dollars' worth of the same property that is now taxed by the State for

How bonds
made payable,
&c.

Tax may be
levied and col-
lected to pay
bonds.

City assessor
to make assess-
ment, and who
to collect tax,
and how.

Additional
tax may be
levied and col-
lected.

common school purposes, situated within the city, and the assessment to be made at the same time as required by law for State revenue: *Provided*, That the property estimated under the equalization law shall not be so taxed. This tax is to be called and known as a school tax, and is only payable in money, and is to be used exclusively for the purpose of defraying the yearly expenses of the said public schools, and is to be assessed and collected in like manner with the taxes hereinbefore mentioned: *Provided*, That only the property belonging to white persons shall be taxed.

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Tax to be known as a school tax.

Negro property not taxed.

§ 16. The funds arising from the collection of school tax shall be paid into the hands of the treasurer of the board of trustees by the collector, and his receipt taken for the same, by the first day of January in each year; or said collector shall be a delinquent, and liable to the same penalties as sheriffs or collectors of State revenue, for failing to collect or pay over State revenue; and shall be proceeded against in the same way, except that the proceedings shall be in the name of the board of trustees, and in the Henderson circuit court. The execution upon any such judgment in the said court shall be directed to the sheriff of Henderson county or the marshal of the city of Henderson, or to any officer the court may direct; and said sheriff or marshal, or other officer, shall collect and account for the same, and be responsible upon his bond, as in other cases of executions placed in his hands.

Tax to be paid to treasurer, and when

§ 17. The funds arising from the sale of the said bonds shall also be paid into the school treasury; or the said bonds may be delivered to the said board of trustees, and by them used for the said buildings, either by cashing them or paying them to contractors and others to whom the said board may be indebted. All moneys in the school treasury shall be under the control and management of the said board of trustees, and used by them for the sole purpose of said public schools, and purchase of property and erecting buildings therefor; and they shall not be used for any other school than those under the control of said board of trustees. If any of said trustees, or the treasurer, shall use or appropriate any of said funds to his own use, he shall be deemed guilty of a felony; and, upon conviction, shall be confined in the penitentiary not less than one nor more than five years.

Funds arising from the sale of school bonds to be paid into school treasury, &c.

Who to manage and control money.

Penalty for wrongful application of funds.

§ 18. The commissioner or commissioners for common schools shall annually make an estimate of the share or proportion of the State common school fund which would be coming or due to the school district of Henderson, if the boundaries of the city were taken as the boundary of such district; and shall annually pay over to the board of trustees herein created the full amount of such proportion

Annual estimate of proportion of school fund to be made.

1869. or share, which shall be held and used by them as the other funds herein provided for.

Escheated
lands to vest in
trustees.

§ 19. All lands within the boundary of the city which shall escheat or in any way be forfeited to the Commonwealth, shall vest in the said board of trustees, to be used, held, and controlled by them as other property and funds.

May condemn
private property
for school
purposes.

§ 20. The board of trustees shall have the right to condemn any private property for school purposes, whenever, in their opinion, it shall be necessary, by first paying therefor, in money, its fair cash value, if such value can be fixed by agreement; if such value cannot be agreed, then, upon application of the board of trustees, the county court of Henderson county shall issue a writ of *ad quod damnum*, directed to the sheriff, to be executed and returned to said court as in cases of opening roads; and upon the return of said writ, duly executed, the said court shall adjudge the payment of said damage; and, upon payment thereof, the court shall issue a writ requiring the sheriff to put the said board in possession of said lot; and thereupon the title to said lot shall vest in said board of trustees: *Provided*, They shall not have the right to condemn any private property which is used by the owner as a residence for himself or family.

Annual report of funds
necessary to be
made.

§ 21. The board of trustees shall, in the month of March or April in each year, make a report or estimate, in writing, to the common council, showing the probable amount of money necessary to properly conduct the public schools for the next scholastic year, which amount shall be levied for, and collected by, taxation, as hereinbefore directed.

Non-resident
children may
be admitted in-
to school.

§ 22. The board of trustees may admit into any of the schools white children who are non-residents of the city of Henderson, upon such terms and conditions, and upon payment of such charges, as to the said board may seem right.

When act to
take effect.

§ 23. This act shall take effect and be in force so soon as the same shall be ratified by a majority of all votes cast of the qualified voters of the city, at any election held for the purpose of taking the sense of the voters upon the subject of such ratification. The mayor and council shall cause this act to be published, and due notice given of any election to be held for such purpose.

Approved March 15, 1869.

CHAPTER 2097.

1869.

AN ACT to amend the Charter of the Town of Loretto, in Marion County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the trustees of the town of Loretto, in Marion county, shall have no power to grant licenses to keep coffee-houses within said town.

§ 2. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2099.

AN ACT for the benefit of R. H. Shanklin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, instructed to draw his warrant on the Treasurer for eighty dollars in favor of R. H. Shanklin, moneys expended by the said Shanklin in conveying two lunatics to the Western Lunatic Asylum, over and above the amount authorized to be paid by the superintendent of said Asylum.

§ 2. This act to take effect and be in force from its passage.

Approved March 15, 1869.

CHAPTER 2100.

AN ACT for the benefit of W. H. Fortson, of McCracken County.

WHEREAS, W. H. Fortson, the owner of four hundred and eighty acres of land lying in McCracken county, did give in the same in Christian county, and also his agent in McCracken county, for the years 1865 and 1866, and the taxes on same having been paid for both of those years to the sheriff of Christian and also to sheriff of McCracken county, which amounted to forty dollars, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. H. Fortson be paid, out of any money in the Treasury not otherwise appropriated, the sum of forty dollars, and the Auditor is hereby directed to draw his warrant on the Treasury for the same.

§ 2. This act to take effect from its passage.

Approved March 15, 1869.

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CHAPTER 2101.

AN ACT for the benefit of Culvin Sanders and J. W. Leathers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the Treasurer in favor of Culvin Sanders for the sum of five hundred and seventy-five dollars (\$575), also in favor of J. W. Leathers for five hundred and forty-five dollars (\$545), to be paid out of any money not otherwise appropriated. The above amounts are paid said parties for services rendered in hunting up property on Licking river belonging to the Commonwealth of Kentucky.

§ 2. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2102.

AN ACT for the benefit of J. W. Atkins.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of J. W. Atkins for the sum of four hundred and forty-four dollars, it being the amount due said Atkins for dieting sundry prisoners from July 6th, 1868, to January 31st, 1869.

§ 2. This act to be in force from its passage.

Approved March 15, 1869.

CHAPTER 2103.

AN ACT to change the dividing line between Marion and Washington Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line between the counties of Marion and Washington, as described and established by the act approved January 25th, 1834, be, and is hereby, changed so as to run from head of Hickory Camp Run to Benedict Edelin's, including the present residences of G. C. Hamilton, Josiah O'Daniel, R. J. O'Daniel, B. J. Hamilton, and John Johnson, in the county of Marion.

§ 2. This act to take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2104.

1369.

AN ACT to explain and amend an act, entitled "An act to extend the Boundary Line of the City of Louisville," approved 9th March, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all real property embraced in and added to the city of Louisville, by reason of the extended boundary line, under an act, entitled "An act to extend the boundary line of the city of Louisville," approved 9th March, 1868, shall remain free of city tax, and shall not be subject to city burthens without the consent of the owners, until the same shall be laid off into lots, streets, and alleys, and used as city property, when such parts so laid off may be taxed; and this act shall take effect and be in force as though it had been part of the act aforesaid.

Approved March 15, 1869.

CHAPTER 2105.

AN ACT to incorporate the Warren Deposit Bank, at Bowling Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank of deposit in Bowling Green, Warren county, Kentucky, with a capital of five hundred thousand dollars, in shares of fifty dollars each, to be subscribed and paid for as hereinafter provided; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of "Warren Deposit Bank," and shall so continue for thirty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

§ 2. Said bank shall be under the control and direction of five directors, four to be chosen by the stockholders, who shall also be stockholders, and the fifth by the four thus chosen, as soon after their election as may be; three votes shall be necessary to the choice of said fifth director; and after the first election, four shall be elected annually, on the first Monday in January, and hold their offices until their successors are chosen and qualified; and after the four thus elected shall have chosen a fifth, they shall elect one of their number president of the bank. All of the directors shall be citizens of the State of Kentucky. They shall hold regular meetings, at such times as may be fixed by the by-laws; and other meetings may also be

1869. had when deemed necessary. In case of the death, resignation, or refusal to accept of any director, the vacancy may be filled by the board. The directors shall have power to receive subscriptions for so many of the shares of the stock of said bank remaining unsold as they may, from time to time, decide to sell; declare dividends of the profits of the business; appoint such officers, agents, and servants as they may deem necessary, and pay them such sums as wages and salaries, and take from them such bond to secure the faithful performance of their duties, as they shall think proper and reasonable. The stock shall be deemed personal property, and shall be assignable according to such rules and by-laws as the board of directors shall, from time to time, establish; but said corporation shall have a lien on the stock to secure any indebtedness by the stockholder.

§ 3. P. J. Potter, C. J. Vanmeter, W. E. Warren, H. H. Skiles, John A. Robinson, Asher Graham, W. H. Payne, and R. C. Thomas, are hereby appointed commissioners, any two of whom, or any agent authorized by two or more of whom, may open books and receive subscriptions for the capital stock; and when one thousand shares have been subscribed, it shall be their duty to give notice in two newspapers, and appoint a time and place for the election of a board of directors, who shall hold their offices until the ensuing annual election. The payment for the shares subscribed shall be as follows: Five dollars on each share at the time of subscribing, and twenty dollars within ten days after the election of the first board of directors, and the residue in installments of twenty-five dollars on each share every thirty days: *Provided*, That after fifty thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue; and should any of the subscribers fail to pay for their subscriptions of stock as herein provided, after giving thirty days' notice of their intention to do so in some newspaper published at Bowling Green, or, if none is published there, in one published at Louisville, the board of directors may, by resolution entered on their records, forfeit such, and recall the same; and all partial payments made on any stock which shall be thus forfeited shall be held for the use and benefit of the corporation. Said corporation may commence business as soon as twenty-five thousand dollars shall be paid in, and the president and directors first elected shall have made affidavit to the fact of such payment in money, or bank, or treasury notes recognized and circulating as money, before some judge, notary public, or clerk of a court.

§ 4. Said bank may receive deposits of gold, silver, bank notes, and other notes which may be lawfully circulating

as money, and repay the same in such manner, at such times, and with such interest, not exceeding the lawful rate of interest in this Commonwealth, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the later as may be agreed upon, in all respects as natural persons may do under the law; and the promissory notes made payable at its banking-house, or at any bank, and inland bills, which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers.

§ 5. The said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such laws for their government, not contrary to the Constitution and laws of this State or of the United States, as they may deem necessary.

§ 6. It shall be the duty of said corporation, on the first day of January in each year, to pay into the Treasury of the State fifty cents on each one hundred dollars of stock held and paid for in said institution, to be a part of the revenue proper fund, which shall be in lieu of and in full of all tax or bonus.

§ 7. If any officer, agent, or servant of said bank shall appropriate any of its funds to his own use, or shall willfully fail to make correct entries, or knowingly make false ones, on the books of said bank, with intent to cheat or defraud the corporation or any other person, or to conceal any improper appropriation of funds, the officer, agent, or servant so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this Commonwealth for a period of not less than one nor more than twenty years.

§ 8. It shall not be lawful for said bank to issue any note or bill to be used as currency.

§ 9. The General Assembly shall have power and right to examine the affairs of said corporation by any committee or commissioner they may appoint for that purpose, and to alter and amend this charter at pleasure.

Approved March 15, 1869.

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CHAPTER 2106.

AN ACT to incorporate the North Middletown Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank of deposit in North Middletown, Bourbon county, Kentucky, with a capital of fifty thousand dollars, in shares of one hundred dollars each, which may be by the board of directors increased to one hundred thousand dollars, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the North Middletown Deposit Bank, and shall so continue for a term of twenty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

§ 2. Said bank shall be under the control and direction of six directors, each of whom shall be a stockholder in the same, and a resident of this State; and after the first election, the said directors shall be elected annually on the first Monday in January in each succeeding year, and shall hold office until their successors are elected and qualified. They shall elect one of their number president; and shall hold regular meetings at such times as may be fixed by the by-laws: *Provided*, That other meetings may be had at any time deemed necessary for the transaction of the business of the bank; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors; and the person so chosen by the said board shall hold office as a director until his successor shall be elected and qualified at the next annual election.

§ 3. The directors shall have power to receive subscriptions for so many of the shares of the stock of said bank remaining unsold as they may, at any time, choose to sell; to declare dividends of the profits arising out of the business, and to appoint such officers, agents, and servants, as they may deem necessary to conduct the business of the bank, and pay them such sum as wages and salaries, and take from them severally such bonds, to secure the faithful performance of their duties, as they shall think proper and reasonable.

§ 4. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish; but in all cases the corporation shall have a lien on the stock to secure any indebtedness by the stockholder to the bank.

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§ 5. Jas. Scott, Asa L. Bean, and R. P. Campbell, are hereby appointed commissioners, any two of whom may open books and receive subscriptions for the capital stock: *Provided*, That public notice shall be given by two successive insertions in the newspapers of the county, of the time and place when said books will be opened; and no individual shall subscribe for, or at any time hold, more than fifty shares of the said capital stock; and when five hundred shares have been subscribed, it shall be their duty to give notice in some newspaper published in Bourbon county, Kentucky, and appoint a day for the election of a board of directors, who shall be qualified and hold their offices until their successors are elected at the ensuing annual election; and in all elections for directors of said bank, the stockholders shall be entitled to one vote for each share of the capital stock he or she may hold in the same. The payment for the shares subscribed shall be as follows: Five dollars on each share at the time of subscribing, and twenty dollars within ten days after the election of the first board of directors, and the residue in installments of twenty dollars on each share every thirty days: *Provided*, That after twenty thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue; and should any of the subscribers fail to pay for their subscriptions of stock as herein provided, after giving notice of their intention in some newspaper published in the county for four weeks, the directors may, by resolution entered on their records, forfeit such stock, and resell the same, at such time and place as they may deem expedient; and all partial payments made on any stock which shall be then forfeited, shall be held for the benefit of the corporation.

§ 6. Said corporation may commence business so soon as twenty thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge or justice of the peace.

§ 7. Said bank may receive deposits of gold and silver, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, and at such time, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt; take personal and other securities, except real estate, for the payment thereof, and dispose of the latter as may be agreed upon at the time, in writing, in all respects as natural persons may do under the common law; and the promissory notes made negotiable and payable at its banking-house, or at any other bank in this

1869. State, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange; and like remedy may be had thereon, jointly and severally, against the acceptors, drawers, and indorsers.

§ 8. The said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States.

§ 9 It shall be the duty of the president, on the first Monday in January in each year, to pay into the Treasury of the State fifty cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus.

§ 10. If the cashier, clerks, teller, or other officers or agents, shall appropriate any of the funds of said corporation to his or their own use, or shall willfully fail to make correct entries, or knowingly make false ones, on the books of the bank, with intent to cheat or defraud the corporation, or any other person, or to counsel any improper appropriation of funds, the person or persons so offending shall be guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this Commonwealth for a period of not less than two nor more than twenty years.

§ 11. It shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 12. The General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose.

§ 13. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2107.

AN ACT to incorporate the Deposit Bank of Hopkinsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank of deposit in the city of Hopkinsville, with a capital of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns,

shall be a body-politic and corporate, by the name and style of the Deposit Bank of Hopkinsville, and shall so continue for fifty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever. It may have a common seal, and change and renew the same at pleasure.

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§ 2. Said bank shall be under the control and direction of four directors, each of whom shall be a stockholder. They shall be residents of this State, and, after the first election, shall be elected annually on the second Monday in January in each year, and hold office until their successors are elected and qualified; they shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be had whenever deemed necessary; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may at any time choose to sell, to declare dividends of the profits arising out of the business, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bond to secure the faithful performance of their duties, as they shall think proper and reasonable. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish; but said corporation shall have a lien on the stock to secure any indebtedness by the stockholder.

§ 3. Stephen E. Trice, R. T. Petree, William L. Trice, and James Rodman, are hereby appointed commissioners, any two of whom may open books and receive subscriptions for the capital stock; and when two hundred and fifty shares have been subscribed, it shall be their duty to give notice in one newspaper published in said city of Hopkinsville, and appoint a day for the election of a board of directors, who shall hold their offices until the ensuing annual election. The payment for the shares subscribed shall be made as follows: Five dollars on each share at the time of subscribing, and twenty dollars within ten days after the election of the first board of directors, and the residue in installments of twenty-five dollars on each share every thirty days: *Provided*, That after twelve thousand five hundred dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue; and should any of the sub-

1869. scribes fail to pay for their subscription of stock, as herein provided, after giving notice of their intention in some newspaper in said city for thirty days, may, by resolution entered on their records, forfeit such stock, and resell the same at such time as they may deem expedient; and all partial payments made on any stock which shall be then forfeited shall be held for the benefit of the corporation. Said corporation may commence business so soon as twelve thousand five hundred dollars shall have been paid in. and the president and directors first elected shall have made oath to the fact of such payment before some judge or justice.

§ 4. Said bank may receive deposits of gold, silver, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not exceeding six per cent. per annum, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt, take personal and other securities, except real estate, for the payment thereof, and dispose of the latter as may be agreed upon, in all respects as natural persons may do under the law; and the promissory notes made negotiable and payable at its banking-house, or at any bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers.

§ 5. The said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the constitution and laws of this State or of the United States.

§ 6. It shall be the duty of the president, on the first day of January in each year, to pay into the treasury fifty cents on each one hundred dollars of stock subscribed—to be a part of the revenue proper—in said institution, which shall be in full of all tax or bonus.

§ 7. If the cashier, clerks, teller, or other officers, shall appropriate any of the funds of said corporation to his own use, or shall willfully fail to make correct entries, or knowingly make false ones, on the books of the bank, with intent to cheat or defraud the corporation, or any other person, or to conceal any improper appropriation of funds, the officer so offending shall be deemed guilty of

felony; and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this Commonwealth for a period of not less than two nor more than twenty years.

§ 8. It shall not be lawful for said bank to issue any note or bill to be passed and used as currency.

§ 9. The General Assembly shall have the right to examine the affairs of said corporation, by any committee they may appoint for that purpose.

Approved March 15, 1869.

CHAPTER 2108.

AN ACT to incorporate the Versailles and Mt. Vernon Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company is hereby incorporated, with the name and style of the Versailles and Mt. Vernon turnpike road company, for the purpose of constructing a turnpike road from Versailles to a point on the Frankfort and Lexington turnpike road at or near the farm of Thomas Wallace, on said road.

§ 2. The capital stock of said company shall be twelve thousand dollars, or such a sum as may be necessary to construct said road, to be divided into shares of fifty dollars each.

§ 3. Ellison Arnett, W. Stout, Warren Rogers, W. Martin, Eliza Martin, Wm. Rogers, Wm. Daniel, Clark Smither, D. J. Williams, and J. H. Williams, are hereby appointed a board of commissioners, and they, or any one of them, are authorized to open books of subscription to the stock of said company.

§ 4. So soon as one hundred shares of said stock are subscribed the commissioners shall call a meeting, due notice being given, of the stockholders, who shall organize the company by the election of five directors, who shall hold their offices for one year, and until their successors are elected. They shall select from amongst their number a president, and shall have power to elect all other officers that may be necessary for the management of the road.

§ 5. The board of directors shall have power, so soon as all or any part of said road is completed, to erect not more than two toll-gates, and they shall be governed in the collection of toll by the rates allowed by law to the Lexington, Versailles, and Frankfort turnpike company; and all the provisions of the charter of said company, not inconsistent with this act, shall apply to the Versailles and Mt. Vernon company.

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1869. § 6. Said company shall have all the powers necessary for the construction of said road, which shall be not more than forty feet nor less than twenty feet wide, the metal being not less than twelve feet in width.
- § 7. Stockholders in said road shall have exempted from working on dirt roads one hand for each share of stock they may own in said road.
- § 8. All the provisions of the most favored turnpike road charters shall apply to this company.
- § 9. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2109.

AN ACT to amend the Charter of the Southern Life Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Southern Life Insurance Company be amended so as to read as follows, viz: If any agent of this corporation shall corruptly appropriate any of its funds for his own use beyond the regular commission agreed upon, or knowingly make false reports of the amount of money collected, with intent to cheat or defraud the corporation or any other person, or to conceal any improper appropriation of funds, the agent so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this Commonwealth for a period of not less than two years nor more than twenty years.

§ 2. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2110.

AN ACT in relation to the Sale of Ardent Spirits in the Town of Greenupsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the question of granting license to sell ardent spirits in the town of Greenupsburg, or within one mile of the corporate limits of said town, shall be submitted to the qualified voters of said town. The county judge of Greenup county shall, upon the application of any two or more voters of said town, by order of court, fix the day upon which said election shall be held, which shall not exceed thirty days from the time the order is made, which may be done at any regular or special term of the county

court. A copy of the order shall be posted at the court-house door, and two other public places in said town, at least ten days before the election.

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§ 2 For the purpose of conducting said election, the county judge shall appoint two persons, citizens of said town and voters, judges, and one to act as clerk, and also require the attendance of the sheriff. The election shall be held between the hours of nine o'clock, A. M., and three o'clock, P. M., in the court-house. A poll-book shall be prepared with one column headed "License," and another "No license." The question shall be propounded to each voter, "For license or against license." The votes of those for license shall be set down in the column headed "License," and those against, in the column headed "No license." It shall be the duty of the clerk and judges of said election to certify the result of said election, and deliver the poll-book to the sheriff, whose duty it shall be to deliver the same to the county judge within two days after the election. The county judge shall, with the county clerk, examine said poll-book, and then file the same in the county court clerk's office.

§ 3. If a majority of those voting at said election shall be against granting license, the result shall be entered upon the order-book of the county court; and after said election, the county court shall have no power to grant license to sell ardent spirits, vinous, or malt liquors, or the mixture of either, to any tavern-keeper or merchant in said town of Greenupsburg, or within one mile of the corporate limits thereof, in less quantities than ten gallons; but it may grant license, under such restrictions as it may deem advisable, to sell spirituous and vinous liquors for medicinal purposes on the prescription or certificate of a physician of good standing. The court shall have power to grant a license to keep a tavern within the limits aforesaid; but such license shall not carry with it the right to sell spirituous, vinous, or malt liquors, or the mixture of either, in less quantity than ten gallons.

§ 4. That should the vote as hereinbefore ordered be against license, and the same be duly entered on the order-book of the county court, as hereinbefore provided, then it shall be unlawful for any person or persons to sell or vend any spirituous, vinous, or malt liquors within the corporate limits of the town of Greenupsburg, or within one mile of said corporate limits, except under such license as may be granted under the 3d section of this act; and for each and every such offense, the person so offending shall be fined sixty dollars, recoverable by indictment and prosecution in the circuit court.

§ 5. This act to be in force from its passage.

Approved March 15, 1869.

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CHAPTER 2111.

AN ACT to charter the Spring Station and Midway Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the persons who have or may subscribe stock for the purpose of constructing a turnpike road, beginning at a point on the Louisville, Cincinnati, and Lexington railroad, at or near Spring Station on said road, in Woodford county, and running to a point on the Versailles and Midway turnpike road, at or near the toll-gate nearest to Midway, on said road, be, and are hereby, constituted a body-politic, under the name and style of the Spring Station and Midway Turnpike Road Company; and by that name may sue and be sued, plead and be impleaded, and shall have perpetual succession.

§ 2. Said road shall be under the control and management of five directors, one of whom shall be chosen president by said directors; and said directors shall be elected annually by the stockholders, on the first Saturday of May.

§ 3. The capital stock of said company shall be sixteen thousand dollars, or such sum as may be necessary to construct the road, to be divided into shares of fifty dollars each; and each stockholder shall be entitled to one vote for each share held by him.

§ 4. That Alfred Hurst, Wallace Harper, Wm. Davis, and Jas. Blackburn, are constituted a board to act until the first election of directors; and they may, at any time and place, open books and receive subscriptions of stock in said company; and when stock enough to build two miles of said road has been subscribed, said board may organize the company.

§ 5. Said company shall have all the rights and privileges conferred by the general laws of the State upon similar companies for procuring and condemning the right of way and materials for said road, the violation of their chartered rights, and the safety and preservation of their property.

§ 6. When a continuous line of two miles of said road from either end shall have been completed, a gate thereon may be set up, at which toll may be collected; but such toll shall not exceed the rates allowed by law to be collected by the Lexington, Versailles, and Frankfort turnpike company.

§ 7. The whole width of said road shall not be under twenty nor more than thirty feet; the width of the macadamized part not less than twelve feet.

§ 8. The provisions of the most favored turnpike charter shall apply to this road.

§ 9. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2112.

1869.

AN ACT to incorporate Muhlenburg Lodge, No. 415, Free and Accepted Ancient York Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the officers and members of Muhlenburg Lodge, No. 415, of South Carrollton, Kentucky, and those who may hereafter become members thereof, be, and they are hereby, created a body-politic and corporate, by the name and style of Muhlenburg Lodge, No. 415, of Free and Accepted Ancient York Masons; and by that name shall have perpetual succession, and be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding such real and personal estate as may be necessary and requisite for the use of such lodge; to receive all necessary conveyances; to sell, convey, and dispose of all such real or personal estate as they now have or may hereafter acquire: *Provided*, That the amount invested in real estate shall at no time exceed twenty thousand dollars, exclusive of the building thereon.

§ 2. The management of the concerns of said corporation shall be, and is hereby, confided to the master, senior and junior wardens, and their successors in office, as trustees thereof; who, or a majority of whom, shall have power to make all contracts pertaining to the real or personal estate of said corporation; shall be exempt from taxation.

§ 3. That the trustees shall have power to pass such by-laws and regulations as may be necessary for the safe-keeping of the property, and the management and control of the interests of said corporation, not inconsistent with the Constitution and laws of the United States or of this State. They may use and have a common seal, and may alter and change the same at pleasure; and in conveying real estate, the master and both wardens, by and with the consent of the lodge, to be obtained at a regular meeting thereof, shall join in such conveyance; and they shall have the right and power to accept and use all donations conferred upon said lodge.

§ 4. This act to take effect from its passage.

Approved March 15, 1869.

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CHAPTER 2113.

AN ACT to incorporate the Hopkinsville and Nashville Coal Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John G. Stuart, E. A. Stuart, H. J. Wells, S. A. Wells, John W. Wells, E. L. Best, and R. S. Stuart, and such other persons as may become shareholders in said company, and their successors or assigns, be, and the same are hereby, constituted a body-politic and corporate, by the name and style of the Hopkinsville and Nashville Coal Mining Company, with all the powers, privileges and immunities, incident and rightfully pertaining to such companies.

§ 2. That it is the intent and object of this act of incorporation to authorize and empower said company to buy coal property and real estate sufficient in quantity and quality, in the counties of Hopkins and Christian, in the State of Kentucky: *Provided*, The amount shall not exceed one thousand acres, and the capital stock shall not exceed one hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

§ 3. That said company shall have power to organize and elect their president, directors, and such other officers as they may see proper, and to pass such by-laws for its government, control, and disposition of said property, and business operations, as said company, in its organized capacity, may agree upon. Said company shall have right to issue its own bonds, not to exceed the amount of stock, to carry on said business.

§ 4. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2114.

AN ACT to incorporate the Crooksville and Muddy Creek Turnpike Road Company, in Madison County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created under the name and style of the Crooksville and Muddy Creek turnpike road company, for the purpose of making a macadamized, gravel, or other artificial road, from a point at or near Crooksville school-house, on Muddy creek, to intersect the Estill Station and Speedwell turnpike road, at or near the point of the hill near John Bates' apple orchard.

§ 2. That Kiah Crook, S. P. Walters, Robert Yates, George W. Broadus, John C. West, B. F. Crooke, and

Amos Ellison, or a majority of them, be, and they are hereby, appointed commissioners to locate, contract for, and superintend the construction of said road; and they and their successors are made a body-politic.

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§ 3. That all the provisions of an act, entitled "An act to incorporate the Richmond and Estill turnpike road company," passed by the General Assembly of the Commonwealth of Kentucky, and approved March the 1st, 1854, after the second section of said act, are referred to and made a part of this act, as fully as if again herein reenacted, except the 15th, 16th, 17th, 20th, 21st, and 22d paragraphs or sections of said act, and except so far as the same may be inconsistent with the provisions of this act.

§ 4. The county court of Madison county is authorized, a majority of the justices being present and concurring, to subscribe stock in said road to the amount they are now or may hereafter be authorized by law to subscribe in any other turnpike road in the county.

§ 5. The president and directors of the road to be made under this charter may erect a toll-gate and collect tolls from persons traveling on same whenever two miles of said road shall have been completed at either end thereof: *Provided*, That no higher rate of toll shall be charged than is now fixed by law for roads in which the Commonwealth of Kentucky is interested, after that rate proportionably.

§ 6. That the said company may receive releases for right of way for said road, and ground for rock quarries and toll-houses, by consent or purchase; and if they deem it necessary they may, by proceedings instituted in conformity with the existing laws of this State on the subject of turnpikes and plank roads (Revised Statutes, chapter 103), condemn land for right of way over which said road may be located, and ground for toll-gates and toll-houses and rock quarries, just compensation being made to the owners thereof, to be assessed by a jury empaneled for such purpose according to law as aforesaid.

§ 7. The president and directors shall be elected annually by the stockholders, voting by shares of one hundred dollars per share, and continue in office until their successors are sworn in. Any vacancy may be filled by the board of directors.

§ 8. This act shall take effect from its passage.

Approved March 15, 1869.

1869.

CHAPTER 2115.

AN ACT to incorporate the Town of Salem, in Livingston County.

WHEREAS, The citizens of the town of Salem, in Livingston county, declare by petition to this General Assembly that the corporation of said old town has become obsolete, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Salem, in Livingston county, be, and the same is hereby, reincorporated, and the town limits shall be the same included in the previous corporation of said town.

§ 2. That on the first Saturday in May, 1869, and on the same day in each year thereafter, there shall be elected by the qualified voters, resident in the said town, five trustees in said town, who shall, before they enter upon the discharge of their duties, take an oath before some justice of the peace of Livingston county that they will faithfully discharge the duties of the office aforesaid; that said board of trustees shall be a body corporate and politic, and shall be known as the Board of Trustees of the town of Salem; and by that name shall have power, and be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all the courts in this Commonwealth.

§ 3. That said trustees shall elect one of their number as chairman, who shall preside over the deliberations of said board when convened, and who shall have power to convene the board in session whenever he may deem it necessary. The regular meeting of said board shall be on the second Saturday in each month: *Provided*, That there are four trustees present at the called meeting; at a regular meeting, three shall be capable of transacting business.

§ 4. That said board of trustees shall have power over the streets, alleys, and sidewalks, and may direct the opening and improvement of the same, in such manner as they deem most beneficial to said town; they shall have power to make all by-laws for the regulation and good government of said town, not inconsistent with the Constitution and laws of the United States or of this Commonwealth; they shall have power to levy and collect a tax upon the property and tithes in said town, not exceeding fifty cents on each one hundred dollars' worth of property, and not exceeding two dollars on each tithe in said town, to be applied to the improvement necessary therein; they shall have power to purchase a lot or piece of ground for the use of said town, necessary to straighten and extend the streets therein; to tax auction sales, shows,

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and other public exhibitions, such sums as they, in their by-laws, may fix; they shall have power to suppress tippling-houses and gaming; to fine all those who may violate their by-laws in relation thereto, any sum not exceeding thirty dollars for each offense, to be recovered before either of the justices of the peace residing in the Salem district. It shall be the duty of said board of trustees to appoint a treasurer, clerk, and such other officers as they may deem necessary, and take bond and security; and for a violation of duty on the part of any such officers, motion may be made or suit brought before any tribunal having jurisdiction thereof; and a majority of said board of trustees may, for proper cause, remove any officer and appoint others in his or their stead; that it shall be the duty of said treasurer and clerk to keep a record of all proceedings which properly belong to their respective offices; and it shall be the duty of said treasurer to render an account to said board of trustees of all moneys paid out by him, whenever by them requested to do so.

§ 5. That sections five, six, seven, eight, nine, ten, eleven, and thirteen, of an act, entitled "An act to incorporate the town of St. Mary's, in Marion county," approved May 26, 1865, be, and the said sections of said bill are, made part hereof as if they were fully transcribed.

§ 6. That the first election for trustees under this act shall be holden on the first Saturday in May, 1869, under the supervision of William Knott and Samuel Barnes as judges; and they are hereby empowered to appoint a sheriff and clerk to assist in said election. The trustees elected at said election shall hold their offices until the first Saturday in May, 1870, or until their successors are elected and qualified.

§ 7. That a town marshal and police judge shall be elected at the same time and place, and in the same manner, that trustees for said town are elected, whose term of office shall expire at the same time, and in the same way, the term of office of trustees shall expire, whose jurisdiction and power shall be the same within the corporation, that justices of the peace and constables are in the State of Kentucky. Said police judge and marshal shall receive the same fees as are allowed to justices and constables for like services. The office of town marshal for Salem shall not be incompatible with the office of constable in and for the Salem voting precinct.

§ 8. This act to take effect from its passage.

Approved March 15, 1869.

1869.

CHAPTER 2116.

AN ACT to amend the Charter of the McLean County Agricultural and Mechanical Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the McLean County Agricultural and Mechanical Fair Association," approved February 7, 1868, be, and the same is hereby, amended as follows: That said society, by its president or directors, shall have power to appoint a police for the preservation of good order during the annual fairs within said grounds and a quarter of a mile of the outer limits of the same; and said police, by authority aforesaid, shall have power to prevent and suppress the erection of any tent, booth, or other structure for the selling or vending of any goods, wares, merchandise, confections, edibles, or the like, within the limits aforesaid.

§ 2. That the election of officers hereafter of said society shall be on the first Monday in December, or at such times as the society shall, from time to time, determine; and all the acts of said company in the election of officers heretofore is rendered legal.

§ 3. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2117.

AN ACT to regulate the granting of Coffee-house Licenses in the City of Paris.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the mayor and council of the city of Paris may grant or refuse to license coffee-houses, in their discretion.

§ 2. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2118.

AN ACT to incorporate the Versailles Mutual Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Amsden, Sanford Lyne, William Lyne, S. B. Wallace, Thomas P. Porter, Lewis Sublett, J. D. Helm, and all other persons who may hereafter become members of said company, are hereby incorporated and

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made a body-politic, by the name of the Versailles Mutual Insurance Company, for the purpose of insuring their respective dwelling-houses, stores, shops, and other buildings, household furniture, and merchandise, against loss or damage by fire, whether the same shall happen by lightning or any other means, except by the design of the insured or by the invasion of a foreign enemy or insurrection of this or any of the United States; and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend, in any court; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the objects of their association, and the same may sell and convey at pleasure; may establish and put in execution such by-laws, ordinances, and resolutions, not being contrary to the laws of this State or of the United States, as may seem necessary or convenient for their regulation and government, and for the management of their officers; and do and execute all such acts and things as may be necessary to carry into effect the purposes intended by this charter.

§ 2. That sections from two to twenty-four, and including said sections, of an act to incorporate the Kentucky and Louisville Mutual Insurance Company, approved 18th February, 1839, are hereby made a part of this act as fully as though they were herein inserted: *Provided, however,* That meetings of said company provided for in section three of said act shall be held in Versailles, Kentucky.

§ 3. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2119.

AN ACT for the benefit of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That to pay off and discharge the old liabilities of the city of Louisville now existing, and not otherwise provided for, and for the purpose of paying the cost of raising Fulton street, and draining the old bed of Beargrass creek in said city, and for the purpose of constructing sewerage in the western district of said city, the general council of said city may issue bonds of said city to the amount of five hundred thousand dollars, three hundred thousand dollars to be applied to the discharge of said old liabilities, and one hundred thousand dollars to be applied to constructing sewers in said western district, and one hundred thousand dollars to be applied to raising said Fulton street and draining the old bed of Beargrass creek in said

1869. city. Said bonds shall be made payable within thirty years from date, and bear such rate of interest as may be determined by said general council.

§ 2. The title of said bonds shall be "Old Liability and Improvement Bonds."

§ 3. This act to take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2120.

AN ACT to repeal an act, entitled "An act to prevent the Sale of Spirituous Liquors within one mile of the Town of St. Mary's, in Marion County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prevent the sale of spirituous liquors by the small within one mile of the town of St. Mary's, in Marion county," approved March 6, 1868, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2121.

AN ACT to incorporate the Town of Berlin, in Bracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary of
town. § 1. That so much of the county of Bracken as is contained within the following boundary of land be, and is hereby, established as the town of Berlin, in said county: Beginning at a stone in Clark and Crittenden's patent line, and running thence with same north to a stone in said line; thence east to a stone in the lands of Geo. W. McClannahan; thence south to a stone in the lands of same so far that the closing line will run west to the place of beginning, embracing all of what is now known as the town of Berlin.

Trustees of
town. § 2. That John M. Blackerby, Levi Blackburn, Jed. C. Blackerby, and J. N. Ceily, are hereby appointed trustees of said town, and shall hold their office until the first Monday in April next, at which time, and annually thereafter, there shall be an election by the qualified voters of said town for four trustees, who shall reside in said town, and be freeholders therein, to serve for one year and until their successors are elected and qualified.

§ 3. That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in four trustees, three of whom shall form a quorum for the transaction of business, all of whom shall be citizens of the town, and shall have resided in said town one year next preceding their election; and take an oath before entering upon the duties of their office faithfully to perform the same.

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Who to manage affairs of town.

§ 4. That said trustees and their successors in office shall be a body-politic and corporate; and shall be known by the name and style of the board of trustees of the town of Berlin, and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts of this Commonwealth; and may use or not use a common seal.

Body-politic, and corporate powers.

§ 5. The election for trustees shall be held at some place provided by the board of trustees in said town, by judges, sheriff, and clerk, to be appointed by the board of trustees, and shall be conducted in all respects as elections under the State laws, and under the same penalties. The trustees may, from time to time, fix and regulate the time of their regular meetings, and may prescribe the mode in which special meetings may be called.

Election of trustees.

§ 6. A police judge and town marshal shall be elected at the same time and place that the trustees are elected by the qualified voters of said town of Berlin, each to hold his office for the term of two years, and until their successors are elected and qualified. The polls of the elections of trustees, police judge, and town marshal, shall be returned to the county court of Bracken county at the first term after said election; and the said county court judge shall certify the result of the election, so far as the election of police judge is concerned, to the Governor of the State, whose duty it shall be to issue a commission for the person elected to the office of police judge, who shall be a judicial officer, to be styled the police judge of the town of Berlin.

Police judge and town marshal to be elected, &c.

§ 7. The police judge, before he enters on the duties of his office, shall take an oath before some officer authorized to administer oaths under the laws of this State, to discharge the duties of his said office faithfully and impartially to the best of his ability. The police judge shall have jurisdiction within the limits of said town in any case, civil or criminal, in which justices of the peace have jurisdiction, except as a court of inquiry in criminal cases. He shall have jurisdiction of all offenses exclusively arising under the by-laws or ordinances of said town, and shall have power to enter judgment and award execution accordingly; and it shall be the duty of said judge to keep

Police judge to take oath.

His jurisdiction. powers, &c.

1869. a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace. He shall have power to issue summons for witnesses to give evidence in cases pending before him; and upon their failure to attend, issue compulsory process to compel their attendance, as in cases of attachment for contempt. He shall have power to fine and imprison for contempt: *Provided*, Said fine shall in no case exceed ten dollars, nor imprisonment more than twelve hours. He shall have power to order the marshal or other officer authorized to execute process in his court, to summon a jury in any case cognizable before him where a jury would be required before a circuit court or a justice of the peace, and to compel their attendance. Said police judge shall be allowed the same fees as justices of the peace for like service, and to be collected in the same manner.

May commit
offenders to
county jail.

§ 8. The police judge of the town of Berlin shall have power to commit all offenders liable to commitment in the county jail of Bracken county, and the jailer thereof shall receive and keep the same as other prisoners are received and kept.

His courts,
when held.

§ 9. The police judge shall hold his courts for the trial of civil cases quarterly. His courts shall be open at all times for the trial of any breach of the penal and criminal laws, or of the ordinances of said town.

Right of appeal

§ 10. That upon all judgments by the police judge, either party shall have the right to appeal from said judgment in the same manner, and upon the same terms, appeals are taken from justices of the peace in similar causes.

Vacancy, how
filled.

§ 11. If the office of police judge shall, from any cause, become vacant, the board of trustees shall immediately recommend a successor to the Governor of this Commonwealth, who is authorized and empowered to commission for the unexpired term of said police judge.

To give bond.

§ 12. The police judge shall execute bond, with good security, to the board of trustees, for the payment of all fines and moneys that come to his hands, as is now required by law for justices of the peace and other officers.

Powers and
duties of town
marshal.

§ 13. That it shall be the duty of the town marshal to attend the sittings of the courts to be held by the police judge, to serve all process and precepts, and to collect all executions to him directed from the police judge, and make due return thereof, in doing which he may go to any part of the county. He shall collect all taxes due said town, executions and other demands which may be put into his hands to collect or execute, and account for and pay over the same to whosoever may be entitled thereto, under the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection

of executions and other demands; and for failure to perform any of the duties required of him, he shall be subject to the same proceedings had against sheriffs and constables in similar cases. The marshal shall be entitled to the same fees for collecting the town tax that sheriffs are entitled to for collecting the county levy, and in all other cases the same allowed constables for similar services. The said town marshal shall be invested with all the power and authority which is given to constables in all cases cognizable before said police judge; and before the said town marshal shall proceed to the execution of the duties of his office, he shall take an oath before the board of trustees, to be administered by the chairman or clerk of the board, that he will faithfully and impartially execute the duties of his office without fear, favor, or affection, and shall also give bond, with good security, to be approved of by the board, in such penalty as the board of trustees may fix, conditioned for the faithful discharge of the duties of his office, and upon which he may be liable to motion before the police judge, or motion or suit in courts having jurisdiction in similar cases on bonds of constables, for failure to discharge any duty, or to pay over any taxes or money which ought to have been collected by him.

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His fees.

To take oath, give bond, &c.

§ 14. All taxes shall be due and owing from the marshal on the first day of November, each and every year; at which time, or the first regular meeting of the board of trustees in said month, he shall make a full settlement with the board.

When taxes due from marshal.

§ 15. The board of trustees shall have power to appoint a clerk, who shall keep, in a fair and legible hand, a true record of all the proceedings of the board in a book kept for that purpose; and shall also register, in a separate book, all the ordinances and by-laws which may be adopted by the board. The board may allow him a reasonable compensation for his services.

Clerk to be appointed, his power & duties.

§ 16. It shall be the duty of the trustees, at the first meeting after the annual election, or as soon thereafter as possible, to appoint an assessor; who, after being first sworn faithfully to discharge the duties of his office, shall call upon the owners of taxable property in said town, or their agents, and make out a true list of their taxable property, real and personal, with the value thereof; and this shall be made upon the oath of the tax-payer, or his agent. Said list shall embrace all the real estate in said town, all the free males over twenty-one years of age, with all other species of property; and if any one shall refuse to give in such list, he or she shall be double taxed on the value of their property, to be ascertained on the best information. The said assessor shall return his list within one month after his appointment; and may be fined

Assessor to be appointed, his power & duties.

When to return list.

1869.

How assessor
paid.

for failure to do so, upon motion of the trustees, upon five days' notice before the police judge, in a sum not less than five nor more than ten dollars. Said assessor shall be paid by said trustees, out of the revenues of said town, for his services, such sum as may be deemed by them reasonable.

Trustees may
levy taxes.

§ 17. The trustees shall have the power to levy a poll-tax of not exceeding two dollars and fifty cents upon each male adult inhabitant of the town, and an ad valorem tax of not more than fifty cents upon each one hundred dollars' worth of taxable property in said town.

To have lien
for taxes.
Who to col-
lect taxes, and
how.

§ 18. The trustees shall have a lien on all the real and personal estate in said town liable for taxes, until all the taxes due by the owners thereof shall be paid. The taxes shall be collected by the marshal; and the said marshal shall have the same power to levy and distrain for taxes which the sheriffs of the Commonwealth now have; and may levy upon and sell for taxes and costs of sale the personal property within said town of any person whose taxes remain unpaid, in the same manner that personal property is sold under execution; and if, on the first day of January, in any year, there may be due and unpaid any tax or taxes on any lot or fractions of a lot in said town, and the owner thereof has no personal property in said town out of which said taxes can be made, it shall be the duty of the trustees to cause to be advertised a list of all the lots and fractions of lots on which the tax or taxes may be unpaid, and also the amount due upon each lot and fractions of a lot, respectively, at least ten days previous to the day of sale, stating upon what day said lots or fraction of lots will be sold, or so much of said lots or fractions of lots as will be necessary to pay the tax or taxes due thereon, respectively. If the tax or taxes thus due and advertised are not paid on or before the day appointed for the sale of said lots or fractions of lots on which they are due, it shall be the duty of the marshal to expose the same to sale on the day appointed, or so much of the same as may be necessary to pay the tax or taxes due on them, respectively, to the highest and best bidder, for cash. The sale shall take place at such time in the day and at such place in the town as he may appoint; and he shall convey by deed, duly acknowledged, to the purchaser, so much of any lot or fractions of lots as he may sell, which deed shall pass the title to the purchaser: *Provided, however,* That all real estate thus sold for taxes in said town may be redeemed at any time within ten years, by the original owner or owners, or their assignees, by paying the purchaser, or his heirs or assigns, his purchase money, with interest at the rate of fifty per cent. per annum, on the sum paid by him, and all his costs of said sale.

§ 19. That no license shall be granted by the county court of Bracken county to keep a tavern within the corporate limits of the town of Berlin to sell spirituous, vinous, or malt liquors, until the application for such license shall have first obtained the consent of the trustees of said town, and shall produce to the court the written permission of the board of trustees of the town. The party or parties obtaining a license to keep a tavern shall, in addition to the tax paid by law, pay to the board of trustees, or to such officer of the town as they may direct, and to form a part of the general revenue of the town, a sum not less than twenty-five dollars nor more than one hundred dollars per year, to be fixed by the by-laws of the board of trustees.

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Bracken county court not to grant license until trustees consent.

To pay additional tax to town.

§ 20. The board of trustees of said town may require all vendors of spirituous, vinous, or malt liquors, within the corporate limits, to pay a tax not exceeding one hundred dollars per annum, and obtain a license, and for cause discontinue same at pleasure; the tax to be paid as the board of trustees may direct. Any person who shall violate the provisions of this or the preceding section shall, for every offense, be liable to pay a fine of thirty dollars, which may be recovered by proceedings in the name of the Commonwealth of Kentucky, for the use of the board of trustees of the town of Berlin.

Vendors of spirituous, vinous, and other liquors to pay tax.

§ 21. The police judge shall have jurisdiction as specified in section seven of this act, and all fines inflicted before him for violation of town ordinances shall be for the use of the board of trustees; all warrants for the breaches of the by-laws and ordinances shall run in the name of the board of trustees of the town of Berlin, and all other warrants in the name of the Commonwealth of Kentucky: *Provided*, That fines for violation of the laws of the State shall be paid over as now provided by law.

Additional powers of police judge.

§ 22. The board of trustees shall have power to pass all needful by-laws and ordinances for the due and effectual administration of right and justice in said town, and for the good government thereof; may legislate on all subjects which the peace, order, and welfare of said town may require, unless restrained by the terms of this charter or the Constitution and laws of this State; they may affix such penalties for a violation of any of their by-laws or ordinances, not exceeding fifty dollars in each case, as they may deem the good government of said town shall require. All new ordinances of said town shall be written out in a fair and legible hand, and posted at one or more public places in said town. The board of trustees shall also have the power to provide by ordinance for the suppression of all gambling-houses, houses which are a common resort for idle, dissolute, and disorderly persons,

Trustees may pass by-laws, ordinances, &c.

1869. and other nuisances within the limits of said town; and for any willful neglect of the police judge or marshal to enforce said ordinances, or any of them, they or either of them may be proceeded against in the criminal court by indictment, and fined in any sum, not exceeding one hundred dollars, at the discretion of the jury.

May provide for improvement of streets, alleys, &c.

May improve public grounds.

May have sidewalks paved.

§ 23. That the board of trustees shall have the power to provide for the improvement of the public streets and alleys of said town. They shall have power to provide by ordinance for the protection and preservation of the public property, and may impose proper penalties for the injury thereof. They may improve or ornament any of the public grounds belonging or that may hereafter belong to said town; cause to be planted upon the same or upon public streets suitable shade trees. They shall have the power to require the owner of any lot to make a brick or stone sidewalk in front thereof, not less than four feet wide, and of such grade as they shall direct; and if, after a written notice of not less than three months, served upon such owner, he or she shall fail to have said sidewalk made in pursuance of said notice, the said trustees shall cause the same to be done at the expense of the owner, and shall have a lien upon said lot for the amount of said expense, which may be enforced by suit in the Bracken circuit court, in the name of the trustees, and at the cost of the owner; and when several owners of lots are in default, they may be joined as defendants in one suit. Said trustees may, in like manner, cause the sidewalks to be repaired and improved.

Treasurer to be appointed & give bond, &c.

§ 24. The board of trustees shall have power to appoint a treasurer, who shall be a resident of the town, and shall give bond for such an amount, and with such securities, as the board of trustees shall approve, conditioned to pay over and account for all moneys which shall come into his hands while in office. It shall be his duty to receive all moneys of the town derived from taxes, licenses, fines, or other sources; but shall not pay out or expend the same in anywise, except upon the order of the board of trustees, signed by the chairman. He may be removed at any time upon proper notice, for cause shown.

May prevent and abate nuisances.

§ 25. The trustees shall have power to prevent, abate, and remove nuisances, at the cost and expense of the owners or occupiers, or of the parties upon whose grounds they exist, and to define and declare by ordinance what shall be a nuisance within the limits of the town, and to punish by fine any person for keeping, causing, erecting, or committing a nuisance.

Additional powers of trustees.

§ 26. The trustees shall have power especially, in addition to the other powers granted by this charter—1st. To license, tax, regulate, restrain, and prohibit tippling—

houses; 2d To suppress gaming, drunkenness, gambling-houses, and disorderly houses of all kinds, indecent or boisterous conduct, or for running horses on the streets of said town; 3d. To provide for the prevention of exhibiting or standing stallions, bulls, or jacks in said town, without first obtaining a license from the board of trustees so to do.

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§ 27. The police judge shall act as chairman of the board of trustees, and, in case of a tie, shall give the casting vote.

Police judge to be president of board of trustees.

§ 28. The board of trustees shall have the power to fill any vacancy that may occur in their own body; and should the office of marshal become vacant from any cause, to appoint another to fill the unexpired term.

Vacancies, how filled.

§ 29. All ordinances passed by the board or by-laws shall go into effect in ten days after their passage, unless declared by an order of the board to take effect at an earlier day.

When ordinances to take effect.

§ 30. That it shall be the duty of said trustees to proceed as soon as possible to have a survey and plat of said town made, embracing all the lots, streets, and alleys of said town, and cause the same to be recorded in the clerk's office of Bracken county.

Survey and plat of town to be made.

§ 31. This act shall take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2122.

AN ACT to establish a Ferry opposite Caladonia, Illinois.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the right is hereby granted to Oscar Turner and his assigns to operate and run a ferry from his land in Ballard county across the Ohio river to Caladonia; and he or his lessees or assigns may use either steam, horse, flatboats, or skiffs for the crossing of persons or freight. He and his assignees or lessees shall have the exclusive right to ferry and cross persons and freight for three miles below and above said ferry; and any persons ferrying persons, horses, or freight within said bounds, other than his own, shall be subject to a fine of twenty dollars, recoverable by warrant before any justice of the peace of Kentucky, one half for the use of the keeper of the ferry, and the other for the use of the Commonwealth.

§ 2. This act to take effect from its passage.

Approved March 15, 1869.

1869.

CHAPTER 2123.

AN ACT to repeal the Charter and amended Charter and incorporate the Town of Nicholasville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Former charter repealed, a town reincorporated.

§ 1. That all acts and parts of acts incorporating the town of Nicholasville be, and they are hereby, repealed, and the said town is hereby incorporated: *Provided, however,* That this act shall in nowise affect the property or other rights of individuals, or of said town, or the liabilities of said town as a corporation; but all such rights and liabilities shall remain as if this act had not been passed.

Present trustees to remain in office until successors elected.

§ 2. The chairman and trustees of said town now in office shall remain in office, and may exercise all the powers granted to the trustees of said town by this act, and shall be subject to all the liabilities, and discharge all the duties imposed by this act, in the same manner as if they had been elected under it, until their successors are elected and qualified.

Boundary of town.

§ 3. That so much of the county of Jessamine as shall be contained within the following lines, to-wit: Two lines running parallel with the main street of said town, the one six hundred yards east, and the other six hundred yards west thereof, and two lines running parallel with the main cross street of said town, the one six hundred yards north, and the other six hundred yards south thereof; and said lines, so extended that the north and south lines shall intersect with the east and west lines at right angles shall be, and the same is hereby declared to be, the town of Nicholasville.

Trustees to manage affairs, when elected, a qualification of voters.

§ 4. The fiscal, prudential, and municipal affairs of said town shall be managed and controlled by seven trustees, to be chosen annually on the first Saturday in January, by the free white male citizens of said town who are twenty-one years of age, and who shall have resided therein one year next before such election: *Provided, however,* That no person shall be allowed to vote at any election who has not paid all town taxes against him; and no person shall be eligible to the office of trustee except he is a qualified voter under this act. The trustees shall hold their office

Term of office.

To take oath.

for one year from and after their election, and until their successors are elected and qualified. They shall, before they proceed to act, take an oath before a justice of the peace, examiner, notary public, or circuit or county court clerk, or any other person authorized by the laws of this Commonwealth to administer oaths, that they will faithfully and impartially discharge the duties of their offices to which they have been chosen agreeably to the Constitution and laws of this Commonwealth; and the officer administering such oath shall certify the fact to the board

of trustees, and such certificate shall be spread on the records of the board.

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§ 5. That, in the event a vacancy shall occur in the board of trustees, the remaining members thereof shall have power to fill said vacancy, and the person chosen shall have the same qualifications and shall take the same oath as is prescribed in the fourth section of this act.

Vacancies,
how filled.

§ 6. The trustees of said town, and their successors, shall be a body-politic and corporate, and shall be known and styled "The Board of Trustees of Nicholasville," and by that name may sue and be sued, contract and be contracted with; they may have and use a common seal, and alter the same at pleasure.

Body-politic,
and corporate
powers.

§ 7. The board of trustees may fix, by their by-laws, the times of their regular meetings, and the mode of calling special meetings. Four trustees shall constitute a quorum to transact business. They shall elect one of their number president of the board, and in his absence may elect a president for the occasion. The officer presiding shall sign the minutes of the preceding meeting when approved by the board, and shall put questions and preserve order. The trustees shall have power to provide by by-laws for punishing any one guilty of disorderly conduct in their presence while in session; and may pass all such by-laws and ordinances not inconsistent with the Constitution and laws of this Commonwealth, as they shall deem right and proper; they may take and hold real estate or personal property by purchase, devise, bequest, or otherwise, for the use and benefit of said town; and may lease or sell and convey the same, and they may lease or sell any such property now owned by said town: *Provided, however,* That they shall not purchase, lease, or sell real estate, except by a vote of six trustees, whose names shall be entered on the record.

Meetings of
board.

Quorum, pres-
ident, &c.

May take and
hold real es-
tate, &c.

§ 8. The board of trustees shall have power to dig and build wells and cisterns in said town; to regulate the storage of gunpowder or other combustible materials, or materials of an unhealthy character, which may endanger the safety of said town, or the health or comfort of any of its inhabitants; they may require chimneys, flues, or stovepipes, which may endanger the safety of property, to be repaired or changed so as to render them safe; and may provide by suitable penalties for compelling obedience to their orders; they may require the owners or occupiers of property fronting on streets or alleys to keep the streets or alleys in front of them clean; and in case of failure or refusal, after three days' notice in writing to such owner or occupier, they may cause the same to be done, and recover the cost thereof of the owner or occupier of

In relation to
wells, cisterns,
gun powder,
&c.

May have
streets & alleys
kept clean.

1869. the property; they may erect a market-house and appoint a market-master, and remove him at pleasure; and by their by-laws regulate and govern the market in said town, and prevent the sale of unwholesome meats, fruits, or vegetables; they may require butchers, hucksters, and all persons dealing in general marketing in said town, to obtain a license therefor, and impose a tax for said license: *Provided, however,* That no license shall be required of those marketing only the produce of their own farms, dairies, orchards, or gardens; they may prevent the exhibition of stud horses or jacks on the streets or alleys of said town, or the exhibition of immoral or obscene shows or pictures in said town; they may organize fire companies, and appoint the necessary officers, and provide engines, buckets, and other things necessary to the fire department; they may establish and maintain in said town a public school, and make all needful rules and regulations for the government of the same; they may establish a work-house and a watch-house, and appoint a keeper for said work-house and watchmen for said watch-house, and make all regulations requisite for the control of said work-house and watch-house; they may purchase ground in or near town, and erect thereon a pest-house, and provide by by-laws for placing and confining therein any person afflicted with a malignant contagious disease, and shall provide for the comfort and well-being of any person placed therein.

§ 9. The said board of trustees shall have power to open new streets or alleys in said town whenever they may deem it proper or necessary to do so, and may extend any of the streets or alleys to the town limits, and may straighten or widen any of said streets or alleys; and whenever said board of trustees shall deem it necessary or proper to open a new street or alley, or to straighten or widen any of the old ones, and shall be unable, from any cause, to acquire, by agreement with the owner, the land required for such new street or alley, or for widening or straightening old ones, or for extending streets or alleys to the town limits, they may file their petition in the Jessamine county court against the owner or owners of the land required, setting forth the quantity, boundary, and location of the land required, on which petition summons shall issue and be served on the owner or owners by the sheriff of said county, if residing in the county, and if not, then on a known agent of such owner or owners; but if there be no known agent of such owner, then the summons shall be served on such owner if a resident of this State, but if a non-resident of this State, then such owner may be warned to appear and be proceeded against as provided in the Civil Code of Practice. When

any one or more of said owners shall be properly before the court, the court shall direct a writ of *ad quod damnum* to issue as to such owner or owners, which writ shall be executed by the sheriff as in other cases. Whenever the value of the ground required for any of the purposes mentioned in this section shall have been ascertained, the court shall enter judgment condemning such land, and allowing the new street or alley to be opened, or the old one altered or extended: *Provided, however,* That no such order shall be made until the trustees of said town have paid into the court the damages assessed and the cost of the proceeding: *Provided, however,* That nothing in this act shall be construed to compel the said trustees to pay the damages assessed, unless after such damages are ascertained they shall elect to do so, and to open or alter or extend the street or alley; but if they shall deem the damages assessed more than it would be expedient to pay, they may abandon the proceeding upon payment of all costs; but upon their doing so, the court shall enter an order annulling the order condemning the ground: *Provided further,* That either party may appeal from the judgment of the county court to the circuit court, from the final judgment of the court condemning the land or assessing the amount of damages to be paid; but no such appeal shall be taken after one year from the final rendition of the judgment.

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§ 10. That the title of the streets now existing in said town, and of streets and alleys which may hereafter be opened, and all lands which may hereafter be purchased for the use of said town, shall be vested in the board of trustees, and they may maintain any appropriate action to prevent any damage, obstruction, or injury to said streets, alleys, or public grounds, or to compel the removal of any obstruction in said streets, alleys, or public grounds.

Title to streets, alleys, &c., vested in trustees.

§ 11. The board of trustees of said town shall have power to cause any of the streets or alleys of said town to be graded, paved with stone or graveled, guttered, or otherwise improved, and the cost of the same shall be paid out of the treasury of said town. They may require the owners of lots fronting on any of the streets or alleys of said town to curb and pave with brick, stone, gravel, or plank the sidewalks of said streets or alleys, at the cost of said owners; and upon the failure of the owner or owners of such lots to curb and pave said sidewalks as required by the board of trustees, the board may have the same done and charge the cost thereof to the owner; and if the said owner or owners of lots, where sidewalks are so curbed and paved and charged by the board, shall fail

May cause streets & alleys to be graded, &c.

May cause sidewalks to be made, and proceedings in relation thereto.

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to pay to the board of trustees the costs thereof within three months after said work has been done, the board of trustees shall have power to sell the said lot or lots, or so much thereof as will pay the amount so expended, and have the same conveyed to the purchaser. The town marshal or town collector, as the board may order, shall make the sale at the court-house door on a court day, and shall advertise as required by law in sales of real estate under execution: *Provided, however,* That said lot or lots may be redeemed within twelve months from day of sale by the payment of the principal sum and ten per cent. interest thereon; but property belonging to any infant or infants, sold for town taxes, or for curbing and paving, may be redeemed within two years after such infant or infants shall have attained the age of twenty-one years, or the board may waive the right to sell said property, and proceed against the owner or owners by an ordinary or equitable action in the Jessamine circuit court, to recover the amount so expended in curbing and paving said lot or lots, and costs of suit. The board may, however, whenever it shall deem it prudent and just to do so, pay out of the treasury of said town an amount not exceeding one half of the cost of curbing and paving any sidewalks on the streets of said town.

May protect
shade trees, &c.

Abate nuis-
ances.

May levy and
collect taxes.

May license &
tax vendors of
spirituous li-
quors, &c.

§ 12. The board of trustees shall have power, by suitable ordinances or by-laws, and with adequate penalties, to protect all shade trees which the owner of any lot may plant in front of his lot; also, all shade trees planted around the public square or on the public grounds, whether said grounds belong to the county or board of trustees of the town. They shall have power to abate all nuisances and obstructions, and to cause all stables, pens, and privies, which shall become offensive, to be cleansed or discontinued.

§ 13. The board of trustees shall have power to levy and collect an annual tax on the real estate in said town, not exceeding fifty cents on the one hundred dollars' worth, and on all other property now subject to a State tax, not exceeding twenty-five cents upon the hundred dollars; also to levy and collect, annually, a poll-tax, not exceeding two dollars, on each male citizen of twenty-one years of age. They may, at their discretion, license and tax vendors of spirituous, malt, or vinous liquors, hotel-keepers, coffee-house keepers, confectioners, livery-stable keepers, insurance agents, auctioneers, peddlers, brokers, gift enterprises, shows or exhibitions, exhibiting in said town, or within one mile of it; studs, jacks, or bulls kept in said town; and they may tax any person doing business in said town, after the regular assessment is made for the year, such proportion as the residue of the year bears to the

whole year. The tax on all vendors of spirituous, malt, or vinous liquors, shall not be less than fifty dollars nor more than one hundred dollars; but no person shall be allowed to sell spirituous, malt, or vinous liquors, in said town, in any quantity, without first having obtained a license from the board of trustees to do so, and paid the tax therefor; and any person who shall be found guilty of selling such liquors without license, shall be fined not less than fifty nor more than one hundred dollars for each offense. They may require all vendors of spirituous, vinous, or malt liquors in said town to close their bar-rooms, and keep them closed, and not to sell any such liquors on Sundays, election days, or on such other public days and occasions as may be deemed proper by said board.

§ 14. That if any vendor of spirituous, malt, or vinous liquors, licensed by said trustees, shall permit disorderly or scandalous behavior in his house or on his premises, or shall permit unlawful gaming in his house or on his premises, or shall fail to close his bar-room in obedience to ordinances or by-laws which may be passed under the provisions of this act; or if any vendor of spirituous, malt, or vinous liquors permit any one to drink to intoxication in his house or on his premises, they, or any of them, shall, on conviction, be fined, for the first offense, not less than five dollars nor more than fifty dollars, in the discretion of the court, and the license of such person shall be suspended until the fine and costs are paid; and on the second conviction, the fine shall not be less than twenty dollars nor more than one hundred dollars, and the license of the offender shall be declared forfeited, and he shall not be again licensed to carry on the same business in said town for one year; and if the fine is not forthwith paid or replevied, he shall be confined in the county jail of Jessamine county, or in the work-house of said town, one day for each two dollars of the fine and costs.

§ 15. The board of trustees of said town shall have power, by suitable ordinances or by-laws, with adequate penalties—not, however, to exceed one hundred dollars fine or fifty days imprisonment, or both—to suppress tippling-houses, bawdy-houses, gambling-houses, and to punish any one guilty of rioting, disturbing the public peace, disorderly or indecent conduct or language, disturbing of religious worship, schools, public speaking or lectures, drunkenness, and of using profane language; and to pass all such by-laws or ordinances as shall be necessary and proper to carry out any power given by this charter, or for the suppression and punishment of all such disorders and irregularities as shall, in their judgment, be deemed prejudicial to good order and quiet of said town; and may also

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Penalty for
permitting dis-
orderly conduct
on premises,
&c.

May suppress
tippling and
other houses,
and punish dis-
turbers of the
peace, &c.

1869. define what offenses shall be considered a breach of the good order of said town.

In relation to
by-laws and or-
dinances.

§ 16. The by-laws and ordinances now in force in said town shall remain so until changed by the board of trustees, or by an act of the General Assembly of Kentucky. No by-law hereafter passed shall go into effect until ten days after the same shall have been enacted by the board of trustees; and it shall be the duty of the clerk of said board, immediately after the adoption or enactment of any by-law or ordinance, to post a copy of the same at the court-house door, and at least three other public places in said town.

Annual ac-
count to be
published.

§ 17. The board of trustees shall publish annually, at the expiration of the term of each board, an account of all the money received by and all the payments made out of the treasury during the year, and the amount of the debt of the town; which statement shall be made out by the clerk, and verified by the president of the board.

Clerk to be
appointed, his
powers and du-
ties.

§ 18. The board of trustees shall, at their first meeting, appoint a clerk, whose duty it shall be to attend all the meetings of the board, and to make a full and complete record of all their transactions and proceedings in a book to be furnished him by said board of trustees. He shall keep all the papers and documents of said town, and perform [all the duties] which may be prescribed for him by said board of trustees, not inconsistent with this act. Said clerk shall, before entering upon the discharge of his duties, take the oath of office prescribed by the Constitution of this State, and also an oath faithfully to discharge all his duties under this act. He shall hold his office until the first Saturday in January next following his appointment, and until his successor be duly qualified, unless sooner removed by the board for dereliction of duty, of which the said board shall be the sole judges. The salary of the clerk shall be fixed by the board of trustees.

Treasurer to
be appointed,
his powers and
duties.

§ 19. Each board of trustees shall also, at their first meeting, appoint a town treasurer, and take bond from him, with approved security, conditioned for the faithful disbursement of all moneys received by him, as ordered by the board, and that he will settle his accounts, and pay over to his successor any balance in his hands at the expiration of his term of office; and the trustees may, at any time, require him to renew his bond, or give additional security; and on his failure to do so in five days after a written notice, signed by the clerk of the board, and has been served upon him by the town marshal, he may be removed and a successor appointed. The town marshal, or other officer collecting fines, taxes, or money due for licenses, or money recovered in the police court, or any magistrate's court, for the use and benefit of said town, or

Fines, taxes,
&c., to be paid
to treasurer.

trustees of said town, shall pay the same over to the town treasurer, and take his receipt therefor, and file it with the clerk of the board, who shall note it on the records. The treasurer shall pay out no money except on the order of the board, certified by the clerk, and indorsed by the president of the board. The treasurer shall be allowed for his services such compensation as the board of trustees may provide: *Provided, however,* That no member of the board of trustees shall be appointed treasurer.

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How treasurer to pay out.

His fees.

§ 20. Said board shall, at their first meeting, appoint a town assessor, which assessor shall be qualified, within ten days after his appointment, to faithfully discharge his duties.

Town assessor to be appointed

§ 21. It shall be the duty of the assessor to take in a list of all the taxable property in said town, together with the cash value of such property, and the name of the owner or owners thereof; and he shall make such division of the different species of property in separate columns in his book as the board may direct. He shall list also all male persons over twenty-one years of age who are subject to a poll-tax; and shall also list and report, separately, a list of all the houses, stores and taverns, persons and things, upon which a specific tax is levied by the by-laws and ordinances of said town, together with the names of the owners or agents of such houses, stores, taverns, and things. He shall file with the clerk of the board his books containing the above mentioned lists on or before the first day of April in each year.

His powers and duties.

§ 22. He shall call on persons from whom taxes are collectable for a list of their taxable property, and shall administer to such persons the following oath or affirmation: "You do solemnly swear (or affirm) that this list of taxable estate given in by you contains a full and complete list of all and every species of property belonging to you, or in your possession, subject to taxation on the 10th day of January last under the ordinances of the town of Nicholasville; and that you will true and perfect answers make to such questions as may be asked you concerning your taxable estate—so help you God." And if any person should refuse to take such oath or affirmation, or to give a list of his or her taxable property, the assessor may assess the same from the best of his information.

Additional powers.

§ 23. It shall be the duty of the board of trustees to examine the books of the assessor after they shall have been filed with the clerk, and correct any errors of the assessor, whether in fact or in relation to the valuation of the estate listed; and in cases where they shall be of opinion that the estate or property has been incorrectly valued, to fix the same at its proper value. They shall also have power to add any lists omitted by the assessor: *Provided, however,*

Assessor's book to be examined & corrected.

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That all persons listed by the assessor may have the right to appear before them, in person or by attorney, and introduce evidence concerning their property. The salary of the assessor shall be fixed by the board of trustees.

Tax to be
taxed as of the
10th January.

§ 24. All property taxed according to value shall be valued as of the 10th day of January preceding; and the person owning or possessing the same on that day, shall list it with the assessor and remain bound for the tax, notwithstanding he may have sold or parted with the same: *Provided, however,* That this section shall not be so construed as to defeat the right of the board of trustees to tax any person for doing business in said town after the regular assessment has been made, as is provided in section thirteen of this act.

When taxes
due & payable.

§ 25. The taxes levied by this act shall be due and payable in the same year in which the property is assessed; and the town of Nicholasville shall have a lien for such taxes on the property of each person assessed for taxation, which shall not be defeated by sale or alienation.

In relation
to payment of
taxes.

§ 26. The board of trustees shall have power to provide by ordinance that tax-payers shall receive credit for the amount of the usual collector's commissions for collecting taxes, upon the payment of their taxes to the treasurer by a day to be fixed by ordinance. They may also provide by ordinance that ten per cent. shall be added on all taxes not paid before the 10th of November, in each year, which per centage shall be accounted for by the collector of the town.

Police judge
to be elected,
term of office,
qualification,
&c.

§ 27. There shall be elected by the voters of said town qualified to vote for trustees, on the first Saturday in January, 1870, and biennially thereafter on the first Saturday in January, a police judge, who shall hold his office for two years, and until his successor is elected and qualified. No person shall be a police judge who is not twenty-one years of age, and who has not been a citizen of said town for one year next preceding the election. Before entering upon the duties of said office he shall take the same oaths as are required of county judges.

Police court
established.
Its jurisdiction

§ 28. There shall be established in said town a court, to be styled the police court of Nicholasville, which court shall be held by the police judge. Said court shall have exclusive original jurisdiction in all prosecutions for violations of any of the provisions of this charter, and of the ordinances and by-laws of said town, and jurisdiction of all pleas of the Commonwealth arising within the limits of said town, except cases of felony. It shall have power to take recognizances from persons charged with offenses cognizable before said court to appear and answer, the same that circuit courts have, and like power to forfeit the same, and proceed in the same way that circuit courts are

directed to proceed. It may commit persons to the county jail, or work-house, or watch-house, in default of bail, and shall have all the powers for the arrest, trial, conviction, and punishment of persons for all the offenses over which it has jurisdiction, that are given the several courts of this State having jurisdiction over like offenses, and may proceed in the same way for the trial of such offenses, and may inflict the fines and punishments and enforce the collection of the same, as such courts are by law authorized to do.

1869.

§ 29 Said police court shall have original and concurrent jurisdiction of all cases of riots, routs, unlawful assemblies, assaults, batteries, affrays, or other breaches of the peace, committed within the limits of said town. It shall also have original and concurrent jurisdiction over all cases of larceny of goods, chattels, or other things of less value than four dollars, committed within the limits of said town, and over all cases of vagrancy therein.

Concurrent jurisdiction of riots, &c.

§ 30. In all cases of felony, and in all cases of misdemeanor, where the fine imposed by law may exceed one hundred dollars, said police court shall constitute only a court of inquiry or examining court, and shall be governed by the provisions of the Criminal Code of Practice regulating the proceedings in such courts.

A court of inquiry in certain cases.

§ 31. Said court may be held at any time for the trial of cases over which it has jurisdiction, and the provisions of the Criminal Code of Practice, except where inconsistent with this act, shall apply to proceedings in all such cases.

When to be held.

§ 32. All warrants issued by the police judge for offenses committed in said town, in violation of the provisions of this act or the by-laws and ordinances of said town, shall be in the name of the Commonwealth of Kentucky, for the benefit of the trustees of the town of Nicholasville, and shall be executed by the marshal or any peace officer of the county to whom they are delivered, and returned to the police court for trial. All other warrants issued by said court shall be in the name of the Commonwealth of Kentucky, and may be returned by the marshal or other peace officer to whom they are delivered to the police court, county judge, or justice of the peace for trial. Said police court shall have power to take bail for the appearance of persons charged with offenses within its jurisdiction at a subsequent day for trial, or to indorse on warrants issued the sum in which the defendant may be admitted to bail, by the officer making the arrest, for his appearance on a day to be fixed by such officer; and in case any defendant shall fail to appear in discharge of his or her bail, may declare the same forfeited, and proceed as hereinbefore directed: *Provided, however,* That the bail required of a

How warrants issued and executed.

May take bail.

1869. defendant shall in no case exceed the amount of the fine which might be imposed.

Fines and forfeitures granted to town.

§ 33. The fines and forfeitures recovered in said police court, or in any magistrate's court, in cases arising in said town, are hereby granted to the town of Nicholasville.

May issue *capias pro fines*, &c.

§ 34. Said court may issue *capias pro fine* on all its judgments; and in all cases where a *capias pro fine* may be issued by said court, it may enter a judgment specifying that the person convicted shall be confined in the county jail, or at labor in the work-house, or forced to work under the regulations of the board of trustees, until the fines assessed against him and the costs of the prosecution are discharged, at the rate of two dollars per day: *Provided, however*, That the person so arrested and confined shall, by paying the full amount of said fine and cost, be discharged from custody.

Judge to be commissioned, order arrests, administer the oaths, &c.

§ 35. The police judge shall be commissioned by the Governor, and shall be a conservator of the peace; and he may order arrests for all offenses against the laws of the State or ordinances of the town of Nicholasville, and for those committed in his presence may order arrests without warrant, the person offending to be dealt with according to the laws of the State or ordinances of the town. He may administer oaths and issue and try writs of *habeas corpus*. Said judge shall be his own clerk.

His fees.

§ 36. The police judge may charge and collect the following fees: For issuing a warrant cognizable in his court, fifty cents; for swearing a jury and presiding at the trial, two dollars; for presiding at a trial when no jury is required, one dollar; for each subpœna, twenty-five cents; for a recognizance or other bond, seventy-five cents; for a bond to keep the peace, to be paid by the applicant, one dollar; for holding a court of inquiry or examining court, two dollars; and for all other services he shall be allowed the same fees that are allowed county judges or justices of the peace for similar services; and he shall be entitled to collect his fees in the same way justices of the peace are now allowed by law to do.

Appeals may be taken.

§ 37. Appeals may be taken from judgments of the police court to the Jessamine circuit court in any case where, by the provisions of the Criminal Code of Practice, such party would have a right to appeal from a judgment of a justice of the peace, and the appeal shall be taken in the same manner, within the same time, and on the same conditions, as from the justices' court.

Who to preside in case of absence of the judge.

§ 38. In case of the inability of the police judge to hold his court, from any cause whatever, or in the event of his absence from said town, the president of the board of trustees shall act as police judge until such inability ceases to exist, or until the return of said judge to said town; and

he shall take the same oaths of office as the regular judge is required to take.

1869.

§ 39. There shall be elected by the voters of said town qualified to vote for trustees, at the same time, and for the same term of office as the trustees of said town are elected, a town marshal and a town attorney.

When marshal and attorney to be elected.

§ 40. The marshal shall enter upon his duties on the first Monday in January next succeeding his election, and shall continue in office until his successor is qualified, unless sooner removed as hereinafter provided. He shall, before so doing, execute a bond before said board of trustees, with one or more securities, to be approved by the board, in substance as follows: We, ———, marshal of the town of Nicholasville, and ———, his sureties, jointly and severally bind and oblige ourselves to the Commonwealth of Kentucky, that the said ———, as marshal of the town of Nicholasville, shall well and truly execute and due return make of all process, notices, orders, and precepts to him directed and to him delivered, by the police court of the town of Nicholasville, trustees of said town, and any magistrate of Jessamine county, and will pay and satisfy all sums of money by him received upon any such process or precept, or any note, account, fee bill, taxes of the town of Nicholasville, fines, or other claims placed in his hands for collection, to the person entitled thereto, and in all other things shall faithfully and truly discharge all the duties of said office during his continuance therein. He shall also, previous to entering upon his said duties, in addition to the oaths prescribed by the Constitution of this State, take an oath before the said board, in substance: "That he will do right as well to the poor as to the rich in all things belonging to his office; that he will do no wrong to any man for any gift or reward; nor for favor or hatred, and that in all cases he will faithfully and truly execute the duties of his office according to the best of his ability." It shall be noted on the records of said town that such bond and oath had been taken, and they shall be filed with the papers of said town.

Town marshal to enter on duties.

Give bond.

To take oath.

§ 41. Any person injured by a breach of said bond may, in any court having jurisdiction, prosecute suit or motion thereon in their own name against the marshal and his sureties, in the manner now prescribed by law for proceeding against sheriffs or constables in cases of delinquency or breach of official duty.

Suit upon bond

§ 42. The board of trustees may at any time, for good reasons, require said marshal to give additional security on his bond; and they may, upon his failure so to do within five days after he has been notified by said board to give said security, by notice in writing, signed by the

Additional security may be required.

1869. clerk of the board, declare his office vacant, and appoint
 May be re- a successor. The board of trustees may remove the town
 moved. marshal for malfeasance, misfeasance, or non-feasance in
 office, and appoint a successor: *Provided, however,* That it
 shall require at least the votes of four trustees to remove
 said marshal for any of the causes aforesaid, except his
 failure to give additional security. The board of trustees
 shall be the sole judges of the marshal's derelictions of
 duty in every respect.

Vacancies, how filled. § 43. Whenever a vacancy shall occur in the office of
 town marshal, the person appointed by the board to act
 as marshal shall remain in office until the next regular
 election for town marshal, unless sooner removed for
 causes specified in section forty-two of this act, and shall
 be required to execute a bond and take the oaths similar
 to those required of a regularly elected marshal, and shall
 be subject to the board in all respects as if he had been
 elected to his office, and shall likewise be liable on his
 bond with his sureties to all persons injured by a breach
 of the same.

Duties of marshal. § 44. Said marshal shall be a peace officer, and shall
 possess all power to arrest persons charged with offenses,
 and to execute, within Jessamine county, in criminal cases,
 all writs, process, warrants, and orders, and to take bail,
 which is now or may hereafter be given to sheriffs or other
 peace officers; and he shall be entitled for his services to
 the same fees to which such officers are respectively en-
 titled. He shall attend all meetings of the board of trust-
 ees, and all sittings of the said police court, and preserve
 order, and act as crier at the same; he shall have power
 to execute and levy all process, judgments, or executions
 which issue out of the police court, and shall have the
 same powers to collect claims, fee bills, and to act in all
 other civil cases, and execute all process and executions in
 said county, which are now or may hereafter be given by
 law to constables; and he and his sureties shall be respon-
 sible for the proper discharge of all his duties and official
 acts under this charter. It shall be the marshal's duty to
 execute all ordinances of the board, passed in pursuance
 of the powers herein granted to them, wherein acts and
 duties are specifically prescribed for him to perform; and
 he shall report to the police judge all infractions of the
 ordinances of said town, and all misdemeanors or felonies
 committed within said town, of which he may receive any
 information.

His fees. § 45. The marshal shall be entitled to the same fees as
 the sheriffs and constables are respectively entitled when-
 ever he performs services similar to those performed by
 sheriffs and constables; but the board of trustees may, if
 they should deem it just, proper, and prudent to do so,

give the marshal an annual salary for his services in addition to the fees allowed by this act.

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§ 46. It shall be the duty of the town attorney to prosecute all persons brought before the police court for offenses committed within the town in violation of any of the provisions of this act, or of any of the by-laws or ordinances of said town. And in all actions to which the town of Nicholasville shall be a party plaintiff or defendant, it shall be his duty to represent the interests of said town. The board of trustees may, whenever they deem it fit, employ counsel to assist the town attorney in the prosecution or defense of any action to which said town may be a party. Said town attorney shall be allowed for his services thirty per cent. of all fines and forfeitures. The said board may, however, in addition to the per centage of fines and forfeitures herein allowed, give an annual salary to said town attorney.

Duty of town attorney.

His fees.

§ 47. The board of trustees shall have power to appoint a collector for said town. It shall be his duty to collect all the taxes assessed under the provisions of this charter, and all sums of money which may be due the town of Nicholasville from all sources whatever; but, before entering upon the discharge of his duties, he shall, before the board of trustees, give bond with approved security, which bond may be as follows: "We ———, collector of the town of Nicholasville, and ——— and ———, his sureties, covenant and agree with the Commonwealth of Kentucky that the said ———, collector of the town of Nicholasville for the year ———, shall, during the present year, collect, account for, and pay to the treasurer of said town, at such times and in such manner as may be prescribed by the board of trustees of said town, all taxes and other claims due and owing said town of Nicholasville that may be put into his hands for collection during the year; and that the said ——— shall faithfully discharge all the duties of said office of collector. Witness our hands this ——— day of ———, 18—." The board of trustees may, if they deem it prudent, appoint the marshal collector. The collector shall hold his office until the first Saturday in January next succeeding his appointment, unless sooner removed by the board for good cause. He may be required by the board to give additional security on his bond; and if he should fail to do so within five days after he has been notified by the board by a written notice signed by the president and clerk of the board, his office shall be declared vacant and a successor appointed. The collector shall receive such compensation for his services as the board of trustees may provide.

Collector to be appointed, to give bond, &c.

Marshal may be appointed collector.

Term of office.

Additional security may be required.

His fees.

§ 48. The town collector shall account for and pay into the town treasury all taxes and other public moneys for

When to pay money collected.

1869.

which he is bound, at such times, and under such regulations, as may be prescribed by ordinance of the board of trustees.

When to collect taxes, &c.

§ 49. The town collector shall, from and after the day he receives the tax-book in each year, proceed to collect the taxes due the town; and upon failure of any person bound therefor to pay the same, may distrain any personal estate owned by the persons from whom the tax is due, and may proceed to sell the title of such persons in so much thereof as will pay the taxes due and all costs and expenses of sale. The sale must be for cash, and be made at the front-door of the court-house on a court day. The time, place, and terms of sale shall be first advertised as sheriffs are required to advertise in similar cases. If the town collector make illegal or unreasonable seizure and distress for taxes, he shall be liable in damages to the party aggrieved.

May distrain or taxes.

§ 50. If there be no personal estate which the town collector can distrain for taxes due on real estate, or if the personal estate found be insufficient to pay the whole of such tax, and the owner of the land or lot shall fail to pay the same by the 10th day of November of the year in which such tax is due, then the town collector may proceed to sell the land and town lots, or so much thereof as may be necessary to pay the taxes thereon and costs and expenses of sale, to the highest bidder for cash. The time, place, and terms of sale, together with a statement of the name or names of the owner or owners, number or description of the land or lot, and the amount of tax and penalty due thereon, shall be published by notices posted at three or more public places in the town of Nicholasville.

Property sold in case tax-payer is insolvent.

§ 51. In case of a sale of real estate for taxes, a commissioner shall be appointed by the board of trustees to convey the same to the purchaser: *Provided, however,* That whenever any real estate is sold for taxes, the owner, if an adult may have twelve months in which to redeem said real estate by paying the full amount of the tax, cost, and expenses of said sale, and ten per cent. interest thereon from day of said sale; and if a minor, then the owner may have two years, after he or she attains the age of twenty-one years, in which to redeem said real estate on the same terms as are accorded to adults.

Allowed credit in case tax-payer is insolvent.

§ 52. If any person listed for taxation shall be found to be insolvent, and the town collector shall be unable to collect the taxes assessed against such a person, then the board of trustees shall allow him a credit for the amount so listed in his settlement with said board of trustees.

Present officers to remain in office until successors elected.

§ 53. The present marshal, assessor, treasurer, collector, and town attorney and clerk of the town of Nicholasville, shall remain in office, unless removed by the board of

trustees, as provided in this act, until the first Saturday in January, 1870, and until their successors are elected and qualified, and the salaries now allowed them shall be in nowise affected by the passage of this act.

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§ 54. The first election under this charter shall be held on the first Saturday in January, 1870, and on the first Saturday in January of each year thereafter.

When first election held.

§ 55. The board of trustees shall, before such election, appoint as officers thereof three discreet white citizens of said town, one as judge, one as sheriff, and the other as clerk of said election. If, from any reason, the above appointees do not act, the board shall fill the vacancy or vacancies. Officers of town elections shall perform similar services, be entitled to like pay, liable to the same penalties, and governed in all matters in the same way as officers of State elections. They shall be paid for their services out of the town treasury.

Who to conduct election.

§ 56. The person acting as sheriff of said election shall, immediately after the election is held, deposit the poll-book with the clerk of the Jessamine county court, who shall file said book in his office. The clerk of the board, the police judge of the town, and the person acting as sheriff of said election, shall constitute a board for examining the poll-book, and giving certificates of election. Any two of them may constitute a board, which shall meet on the first Monday after the election, and shall compare the poll, ascertain the correctness of the summing up of the votes, and give to each person elected a certificate, over their signatures, of his election, who shall file the same with the clerk of the board of trustees, who shall file the same with the papers of the town: *Provided, however,* That only one certificate, embracing all the names of those elected trustees, shall be given by the board, and that shall be handed directly to the clerk of the board of trustees, who shall file it with the papers of said town.

With whom poll-book deposited, and by whom examined.

§ 57. Whenever any two or more persons shall receive the highest and an equal number of votes for the same office, such election shall be determined by lot, in such a manner as the board of examination may direct. The elections provided for in this act may be contested before the same board, and the same proceedings had, as when elections for county offices are contested, under chapter thirty-two of the Revised Statutes of Kentucky.

In case of tie, how determined.

§ 58. Whenever any vacancies shall occur in the said offices of police judge, marshal, or town attorney, the board of trustees shall appoint some competent person to fill the vacancy, who shall hold his office until the next regular election, and until his successor is qualified; and the person or persons appointed under this section shall exercise all the powers, perform the same duties, and be

Vacancies, how filled.

1869. under the same responsibilities and restrictions, as if they had been regularly elected.

Resignations.

§ 59. All resignations of the offices of said town shall be tendered to the board of trustees in writing, and shall be noted on the records of the town.

Who to act as
police judge
until election.

§ 60. The present chairman of the board of trustees, Geo. C. Richardson, who was required, by an act, entitled, "An act to amend the charter of the town of Nicholasville," approved March 6, 1868, to qualify and act as police judge, shall be empowered to act as police judge of the police court established by this charter, until the election to be held [on the] first Saturday in January, 1870, and until his successor is qualified; and shall exercise all the powers, receive all the benefits, perform the same duties, and be entitled to the same fees, as if he had been regularly elected under this act.

Records, &c.,
declared public
records.

§ 61. The recognized records of the trustees of the town of Nicholasville, and all bonds and contracts executed to the said town, shall remain in full force; and, remaining in the proper office of said town, are hereby declared to be public records; and copies thereof, certified by the clerk of the board, who shall be *ex-officio* keeper of the records, shall be evidence in all courts to the same extent that the originals would be, in due proof; and the clerk may be entitled to fees for copies of same, to be prescribed by ordinance of the board.

May prescribe
penalties for
breach of or-
dinances, &c.

§ 62. The said board of trustees shall have the power to prescribe penalties for the breach of all ordinances passed by them in pursuance of the powers herein granted; and whenever the penalties have not been prescribed by this act, said penalties may be in any sum not exceeding one hundred dollars.

§ 63. This act to take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2124.

AN ACT to incorporate the Metropolis and Kentucky Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John A. Logan, John M. Crebs, Green B. Raum, W. H. Green, A. J. Kuykendall, Wm. J. Ward, Wm. McBean, Wm. P. Bruner, Geo. W. Brown, Alfred Cutting, R. G. B. McKee, and Wm. R. Brown, be, and they are hereby, created a body-politic and corporate, with perpetual succession, by the name of the "Metropolis and Kentucky Bridge Company;" and by that name may sue and be sued, plead and be impleaded, in all the courts of

this Commonwealth and elsewhere; and shall have power of erecting and constructing a bridge across the Ohio river, from a point on the Kentucky shore, lying and being in McCracken county, to any point within the corporate limits of the city of Metropolis, Massac county, Illinois, in a straight line across said river, running within the upper and lower lines of said city of Metropolis, if run in a line with said lines across said river, and for two miles above or below where said lines would strike on the Kentucky shore; from thence to any point within one mile of the corporate limits of said city, on the Illinois shore, as the said bridge company may select. Said company shall have and use a common seal; they shall also have the power to purchase and hold as much real estate as will be necessary for the site of said bridge, the piers, abutments, toll-houses, and necessary and suitable avenues leading to the said bridge; also to borrow money, not exceeding the capital stock mentioned in this act, and to secure the same on such terms as may be agreed upon; shall also have power to ordain and establish such by-laws, rules and regulations, which may be necessary for the well-being of said government of said corporation: *Provided*, That the same shall not be contrary to the laws of the United States, the State of Kentucky, or the State of Illinois.

§ 2. That the capital stock of said company shall be three million of dollars, divided into shares of one hundred dollars each; and said corporators, or any six of whom, shall have power and authority, upon written notice, to cause books to be opened at such time or times, place or places, as they may agree upon, and cause said books to be kept open such length [of time] as they may prescribe, under the directions of such person or persons as they may designate: *Provided*, That they shall publish in some paper in the county of McCracken, in the State of Kentucky, and in the city of Metropolis, Illinois, the time and place which the books for the subscription of stock in said company shall be held; and if, at the end of such time, the whole amount of the capital stock shall not have been subscribed, the said corporators shall have power to order books to be opened at such other times and places, and may repeat the same as often as necessary until the whole amount of stock herein authorized shall have been subscribed, giving such notice as they may deem reasonable: *Provided*, That any subscription to the capital stock of said company, made at any other time, or any other place, shall be as valid in the person subscribing as if made in the mode and manner prescribed: *And provided further*, That neither the State of Kentucky nor county of McCracken shall have the right to levy or collect off said

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1869. bridge company any taxes until one year after said bridge shall have been completed.

§ 3. That when one thousand shares shall have been subscribed to the capital stock of said company, the persons authorized to open books, or a majority of them then living, shall advertise for a meeting of the stockholders of said company at the city of Metropolis, Illinois, giving ten days' notice of the time and place of such meeting, by publication of such meeting in some paper published in the city of Metropolis, Illinois; and the stockholders shall proceed to elect a president and six directors, who shall be stockholders in said corporation, and to elect or appoint such other agents or officers as they may deem necessary for the business of the corporation, and fix the salaries to be paid the president, agents, and such other officers as they may deem entitled to receive salaries, and require such bonds of any such officers, with security, and with such condition as they may prescribe, at which meeting each stockholder shall be entitled to one vote for each share of stock he, she, or they may own in such company; the stockholders may vote in person or by proxy.

§ 4. The said company may extend a railway over said bridge, with as many sets of tracks as may be deemed expedient, and shall have the right to fix reasonable rates of toll for passing over said bridge, and to collect the same from all and every person or persons passing thereon or carried thereon, and upon all goods and chattels, vehicles and animals passing thereon or carried on said bridge, including every other species of property not herein named; and for this purpose toll-gates may be erected at each or either end of said bridge, and the rates of toll shall be posted up in conspicuous places where toll is demanded. That the said bridge company shall have all power and authority that may be deemed necessary to condemn any and all real property for the location and erection of said bridge, or any toll-houses, abutments, piers, anchor-pits or approaches to said bridge, or that may be deemed in any way necessary or convenient for the purposes of the corporation, under writ of *ad quod damnum*; that when the said corporation are unable to agree with the owners of any real estate they may desire to use for the use of said corporation as to value, or when the owners are non-residents, *non compos mentis*, or infants, the said corporation shall file a petition in the clerk's office of the McCracken circuit court describing the property necessary to be taken for the purposes of this corporation; and it is thereupon made the duty of the clerks of said court to issue a writ of *ad quod damnum* directing the sheriff of McCracken county to summons twenty freeholders, citizens of said county, to appear upon the property sought to be con-

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demned, upon a given day, not more than ten days after the reception of said writ. Should said jurors fail to attend, or any of them, the sheriff shall immediately supply their places until the full number of twenty shall have been obtained; and thereupon either party, in person or by attorney, if present, shall strike from said list four jurors, the remaining twelve shall constitute the jury to assess the value of the property sought to be condemned; and thereupon the sheriff shall swear said jury to well and truly value the property, and a true valuation rendered in writing, which verdict of the jury shall be returned to the clerk's office of the McCracken circuit court; and if no sufficient reason shall be shown against the same at the first term of said court after the same shall have been filed, the same shall be confirmed by the court and judgment given against said corporation for value of the property taken; and upon payment of the same by the company to the party, or his or her attorney, or, in case of non-residency, to the sheriff of the county, or, in the case of a person *non compos mentis*, to his or her committee, if any, if none, then to the sheriff of the county, or, in case of infants, to the guardians of such infants, the company shall have the right to appropriate and use the property so condemned for the purposes herein authorized. Should such verdict be set aside by the court, a new jury shall be summoned by the sheriff, as herein provided, until a verdict is rendered that will be confirmed by the court: *Provided*, That after the rendition of the first verdict, the company shall have the right to appropriate the condemned property, whether the verdict be set aside or not: *And provided further*, That when the party whose property is sought to be condemned is a non-resident, and is not present in person or by attorney at the trial, or is *non compos mentis*, and no committee appears, or an infant, and no guardian appears, the sheriff shall strike for such party in the formation of the jury: *And provided further*, That, in the assessment of damages under this charter, the jury shall give the actual value of the property taken or condemned, and no more.

§ 5. That should the capital stock of said company, as herein provided, prove insufficient for the purposes of this corporation, the board of directors shall have the right to increase the same to such an amount as will be required to fully carry out the purposes of this corporation. Individuals, companies, and corporations created by the laws of this State, or any State of the United States, shall have the right to take stock in this corporation; and said company is authorized to make contracts with any railroad company in or out of this State, or to consolidate stock

1869. with any such railroad company, upon such terms as may be agreed upon; and the said company shall have the right to receive subscriptions to the capital stock of said company in real or personal property, or choses in action, upon such terms as may be agreed upon, and to sell and convey all such property in as full and complete a manner as natural persons; and the said company shall have the right to issue not exceeding three million of dollars mortgage bonds upon the property of said company.

§ 6. That this act and amendatory acts of the General Assembly creating the Newport and Cincinnati Bridge Company be, and the same are hereby, made applicable to the Metropolis and Kentucky Bridge Company herein incorporated, and the same are made parts of this charter in as full and complete a manner as if herein copied and at large set forth, provided the same are not inconsistent with the provisions of this charter in sections four over to six, inclusive.

§ 7. That after the first election of a president and directors of said company, there shall be an annual election of a president and directors of said company, as herein provided, on the first Monday in June in each and every year thereafter, who shall hold their offices until their successors shall be elected and qualified; and should the stockholders fail to elect a president and directors at the times herein provided, the majority of the stockholders shall have a right to elect such officers at any other time they may agree upon, by giving twenty days' notice in some paper published in Massac county, Illinois.

§ 8. This act shall not take effect or be in force until after the Legislature of the State of Illinois shall grant a charter with similar privileges and powers to the Paducah and Illinois Bridge Company, and shall be in full force and effect thereafter.

Approved March 15, 1869.

CHAPTER 2125.

AN ACT to amend an act, entitled "An act to incorporate the Town of Horse Cave, in Hart County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Horse Cave, in Hart county," be amended as follows, to-wit: The name of the said town now known as Horse Cave is hereby changed to Caverna, and the present trustees, namely: T. H. Mustain, W. B. Young, W. W. Ingram, T. S. Walton, and W. H. Crowdus, and their successors, shall be known as the trustees of Caverna,

Name changed,
trustees, &c.

with all the rights, powers, and duties now conferred by law upon the trustees of the town of Horse Cave, in Hart county; and may use a private, common, or corporate seal; and may do all acts and things which corporate and politic bodies having perpetual succession may and can lawfully do.

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§ 2. The said board of trustees and their successors in office shall have power and authority to acquire and hold, by purchase or otherwise, property, both personal and real, for the use and benefit of said town, and shall control and use the same as they may deem best for the interest of said town: *Provided*, The same shall not be disposed of by lease, sale, or otherwise, except at a meeting of the board when all the trustees are present, if possible or practicable for all to be present; and a record of the votes of each trustee voting shall be kept, showing the manner in which each voted upon all questions involving the disposition of the real or personal property they may hold for the benefit of the town.

May hold property.

§ 3. The said trustees shall continue in office until the first Monday in June, 1869; and on the same day, in each year thereafter, the qualified voters of said town shall meet at such place as the trustees may appoint and elect five suitable persons for trustees, to serve for one year, and until their successors in office shall be duly elected and qualified.

Term of office of trustees. When elected.

§ 4. The election shall be conducted by three persons, two of whom shall act as judges for same, and one as clerk, who also shall be chairman of the board of election; and where two persons shall receive the same number of votes for trustee, the clerk shall be entitled to vote twice in order to cast the deciding vote; and said board of election shall give a certificate of election to the five persons having received the highest number of votes.

Who conduct election.

§ 5. Within one week after said election, the board of trustees shall hold their regular annual meeting, at which time the trustees elect shall come forward and take an oath to faithfully perform all the duties of trustees of said town according to law, which oath shall be subscribed by them and recorded in the proceedings of the meeting.

Annual meeting, trustees to take oath, &c.

§ 6. The trustees elect shall be sworn into office by the police judge, or by the chairman of the retiring board, or a justice of the peace, or any person qualified by law to administer oaths; and should any one of them refuse to take the oath aforesaid, he shall not act as a trustee, and he shall forfeit and pay the sum of five dollars for the benefit of said town, to be collected by warrant in the name of the board of trustees, before the police judge.

By whom sworn, &c.

§ 7. The trustees, or a majority of them, shall have the power to impose on the inhabitants and property, real and

May levy and collect taxes.

1869. personal, in said town, a tax not to exceed three dollars on each male inhabitant thereof over the age of twenty-one years, and not more than fifty cents on each one hundred dollars' worth of property, real and personal, which money shall be appropriated to the benefit and improvement of said town.

Vacancies.
how filled.

§ 8. When a vacancy shall occur in the board of trustees, the trustees may fill such vacancy by appointment; and the member or members so appointed shall take the oath heretofore prescribed, and continue in office until the next annual election for trustees of said town, and until their successors are duly elected and qualified..

Chairman and
clerk.

§ 9. The said trustees shall, at their first meeting, elect one of their number to act as chairman of the board, and shall appoint a clerk from their number for said board, and prescribe his duties, and fix his pay for services rendered as clerk, from time to time, by ordinance to that effect.

May make by-
laws.

§ 10. The trustees shall have the power to make and enforce any and all by-laws which they may deem necessary for the good government of said town, and inflict penalties, not exceeding ten dollars, upon any member of the board for non-attendance at any regular meeting of the same; and the chairman of the board, with the advice and consent of a majority of the trustees, may remit any fine, penalty, or punishment incurred or imposed by any law or ordinance of said town; but such remission of fine or discharge from punishment shall be on condition of payment of all costs.

Burying ground

§ 11. That the said trustees shall be authorized to purchase and hold any quantity of ground of not more than twenty acres, to be within two miles of the town limits, for a burying-ground, and may make all needful regulations for the use and protection of the same; and they shall have full power to purchase and erect the necessary ground and buildings for a school or schools in said town, and make all needful regulations in relation to said school or schools; they may also establish fire companies in said town, and confirm and appoint the officers selected by said companies, and procure the necessary engines and implements to be used in cases of fire, and require all the inhabitants of said town to keep such a number of fire-buckets as they may deem necessary, and make such regulations as they may think necessary in relation to said companies.

School.

Fire companies,
&c.

Watch-house
& work-house.

§ 12. The trustees shall have power and authority to establish a watch-house and work-house, or either, or both, as they may deem expedient, and appoint watchmen and other officers to superintend such houses, and to apprehend all offenders and disorderly persons, and

take them before the proper tribunal to be dealt with according to law. All persons who may be confined by order or by judgment of the police judge of said town for breaches of the peace, riots, routs, affrays, unlawful assemblies, or any other offense against the ordinances or by-laws of said town, or general laws in relation to the same, and all common mendicants and vagrants, may, by order of the police judge, if he think proper to make such order, be confined in said work-house at hard labor.

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§ 13. No persons shall be committed to work-house who offers and does pay the fine and costs imposed upon them by the police court, or other proper tribunal of said town, nor detained after the payment of fines and costs; and until such work or watch-house is provided, such offenders may be sent to and confined in the Hart county jail at Munfordsville, at the rate of two dollars per day till their fine and costs shall be paid; and all laws and ordinances to better carry these provisions into effect shall be passed by the board of trustees—the pains and penalties inflicted under this section not, however, to be in conflict with general or special laws of this State.

In relation to commitment, &c.

§ 14. That the said trustees shall have power to erect a market-house, and shall have the control and care of the same; and may annually appoint a market-master, who shall give bond and security, to be approved by the board, faithfully to perform the duties assigned him by the board. He shall, when required by the board, rent the stalls, and license persons to sell meats and other articles under the direction of the board; and the bonds, notes, and accounts taken by him therefor shall be made payable to the board, and be collected by the town collector appointed by the board before and by judgments of the police judge. The said trustees shall have full power and authority to pass all by-laws, rules and regulations, for the government of the market, not contrary to the constitution and laws of the land; and may inflict fines and penalties to enforce the same in any sum not exceeding twenty dollars for each offense, to be recoverable before the police judge.

Market-house, market-master, &c.

§ 15. That the said trustees shall have the authority to pay for the pump and machinery in the cave, by which the water is thrown to the summit of the cave bluff, out of any funds that may now belong to the town, or may hereafter accrue, to the same by taxation or otherwise; and shall have the control and care of said pump and machinery, with full power and authority by ordinance to protect the same with all needful fines and penalties, to be adjudged by the police court and collected by the said town collector; and the said trustees may, if they think proper, levy a reasonable tax on all persons who may use or procure water from the cave pump; the said

May purchase pump for throwing water, &c.

1869. tax to be appropriated to keeping the same in good repair, and for other town purposes.

In relation to
sale of liquors,
&c.

§ 16. The trustees shall have the exclusive right to regulate the sale of spirituous liquors in said town; they may or may not license, as they may deem best, all taverns, coffee-houses, grocery-houses, and all merchants and druggists, and houses of private entertainment, victualers, and confectioners, and houses of public resort, except gambling-houses and houses of ill-fame; and when the license shall include the right to sell spirituous liquors in quantities large or small, the grantee shall be taxed such a sum as may be fixed upon by the trustees, of not less than one hundred dollars; they may tax all other houses above specified not less than ten dollars nor more than one hundred dollars; but tavern-keepers and vendors of liquors shall still be liable to pay any tax, and execute the bonds in the county court as now required by the laws of the State; but any druggist may sell spirituous liquors for medical purposes on a prescription from a regular practicing physician; but no tippling-house ever shall be licensed in said town whilst the law of the State prohibits the licensing of such in this county; and no license or privilege shall be granted by said board of trustees in relation to the sale of spirituous liquors which is in conflict with any general or special law of the State or of the county of Hart.

May suppress
bawdy-houses,
&c.

Abate nuis-
ances.

May prevent
sale of liquors.

§ 17. The trustees shall have power to suppress by ordinance, with suitable penalties, all bawdy-houses and houses of ill-fame, and disturbances of religious worship, and the good order of the town; they may declare what are nuisances, and punish by ordinance the creation or continuance of such nuisance, and compel the removal of such from within the limits of said town; they shall have power to prevent the sale of spirituous liquors on such days or occasions as, in their judgment, the peace and good order of said town may require; and if any vendor of such liquors shall refuse or fail to comply with their orders on such occasions, he shall forfeit his license and pay a fine not exceeding one hundred dollars, to be recovered by the said town collector or marshal, before a police judge; all license shall expire with the term of the board of trustees granting the same.

License busi-
ness houses.

Tax showr.

§ 18. The trustees shall have the power and authority, by ordinance, to provide for the licensing all branches of business now conducted or hereafter to be introduced into said town. They also may tax all theatrical performances, shows, concerts, and exhibitions of any kind whatever, in any sum not exceeding one hundred dollars for such exhibition or public show, concert or performance, on any one day within the town of Caverna. They shall

have power to tax all auctioneers, not exceeding ten per cent., for all goods, wares, and merchandise sold to bidders within said town, unless by permission of said trustees, and except property sold by citizens of the State of their own manufacture, or by order of the court, or by executors, administrators, or guardians, and shall have a lien on the articles to be sold for said tax, and till the same is paid, or the person selling the same shall have procured license for that purpose from the town. They shall also have authority to tax peddlers or itinerant dealers in goods and ware, &c., selling within the limits of said town.

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Tax auctions,
&c.

§ 19. The trustees shall take immediate steps to secure the right of and title to all the streets, alleys, and public passways in said town, by deed or otherwise, and have a plat of the town properly made and recorded in the clerk's office of the Hart county court; and they shall name or number the said streets, alleys, and public passways, and enter the name or number of each street upon the said plat; and when, in their judgment, it may become necessary to open, enlarge, or widen or extend, any street, alley or passway, or to open any new street or alley, they shall apply to the county court of Hart county for a writ of *ad quod damnum*, and proceed in all respects as directed by the law of this State in the opening of public highways.

Secure right
to streets, &c.Name or num-
ber same.

§ 20. The trustees shall have full power and authority, a majority concurring, to cause all the streets or alleys, or any portion of them, now established or hereafter to be established, to be graded, paved, graveled, macadamized, or otherwise improved; and they shall have full power and authority to cause the sidewalks, or any portion of them, in said town, to be curbed and paved with stone or brick, and, when so done, to be kept in good repair; and to assess the cost of such curbing and paving and repairing to any lot or part of a lot, against the owner of the lot or part of a lot fronting thereon; and to secure the payment of said costs and expenses, a lien is hereby given on said lots or parts of lots, and said costs and expenses may be listed as taxes with the collector of said town, and by him collected as other taxes; and he shall have power to sell and convey said lots or parts of lots, or so much thereof as may be necessary, in the same manner as real estate may be sold in said town for taxes.

May have
streets graded,
&c.

§ 21. The trustees shall cause all the by-laws and ordinances to be fairly recorded in the journals of their proceedings, and publish the same in pamphlet form, with the charter of said town, and afterwards such new by-laws and ordinances or amendments as may be passed, shall be printed and posted up at the door of the post-office in said town.

By-laws, &c.,
to be recorded.

1869.

Eligibility of
trustees and
voters.

§ 22. No person shall be eligible to the office of trustee except free white male citizens over the age of twenty-one years, and who shall have resided in said town sixty days next preceding the annual election of trustees, and who shall then be a citizen of the State and an owner of real estate in said town. All free white male citizens twenty-one years of age and over, and who have resided in said town sixty days next preceding the election, shall be qualified voters of said town; and all qualified voters of this county owning real estate in said town shall be qualified voters in all town elections.

Officers to re-
side in town.

§ 23. The trustees, and all the officers appointed by them or elected by the people of said town, shall reside in town, and keep their offices within the limits of the same.

Officers to be
appointed, &c.

§ 24. The trustees shall have the power and authority to appoint annually a clerk, assessor, treasurer, market-master, surveyor, collector, and such other officers for said town as may be necessary to carry into effect the laws, by-laws, rules and regulations, made for the general welfare of said town and the citizens thereof, and prescribe their respective duties, and fix the pay of said officers; they shall require bond, with sufficient security, in adequate penalties, of all officers appointed by them to fill responsible offices, which bond to be made payable to the board of trustees of the town of Caverna, and may contain any stipulations and covenants that said trustees may think proper to require or receive, and when executed, shall operate as a mortgage and lien upon all the real and personal estate of such officers and their sureties, respectively, until all the conditions of said bond are complied with; and that for a breach or violation of the condition or conditions, the said trustees may sue and recover, and have the appropriate judgment and execution, by action of covenant or debt, in the Hart county circuit court, against the parties to said bonds, respectively; that said officers and their sureties shall be liable for the prompt payment of all sums of money that shall come to their hands; and they and their sureties shall be liable to a judgment in the Hart circuit court, in favor of the board of trustees, or any person entitled to money collected by them, in like manner, and subject to the same penalties, that sheriffs and their sureties are. The board shall have full power and authority at any time to remove any of said officers, or their deputies, and appoint others in their stead; and when any vacancy occurs by death, removal, or resignation of the chairman of the board, or any of the officers appointed by the board, they shall, in like manner, have full power and authority to appoint others in their stead.

Prescribe their
duties.

§ 25. That the assessor who may be appointed by said board shall, before he enters upon the duties of his office, take an oath duly and impartially to discharge the duties thereof, whose duty it shall be to assess upon all the taxable persons in said town, and make out a true list of their taxable property, with the value thereof, which list shall be made upon the oath of the party, to be administered by the assessor. The assessor's list shall be taken so as to include all the real estate in said town, and all the free males over twenty-one years of age, and all the property, both real and personal, belonging to the inhabitants of said town, wholesale and retail stores and groceries, with their value. If any person or persons shall refuse to give in a list of his or her property, or be absent, the assessor shall make out a list from the best information he can procure; and when there is any real estate in said town, the owner or owners whereof may be unknown, it shall be the duty of the assessor to report that fact specially on his list, together with the value of the property; he shall, on or before the 1st day of February in each year, complete and return his list to the board of trustees. Upon the return of the list by the assessor, the trustees shall give notice that any person or persons who may feel themselves aggrieved by the valuation of the assessor may appear before them, at a stated meeting to be held for such purpose in the month of February in each year, with their evidence, to show the true valuation of their property; and the trustees, on such proof being made to them, may change such valuation, and fix it as they may think right.

1869.

Assessor to
take oath, and
his powers and
duties.

§ 26. That the trustees may annually lay and levy the taxes for the current year, and direct the time in which the same shall be paid, at or after the time the assessor returns his list.

May levy taxes.

§ 27. That immediately after the first day of February in each year, the clerk of the board of trustees shall receive, file, and preserve the assessor's list, with any correction or alteration of the valuation of property that may have been made therein by the board; and the said list thus received, or copies thereof attested by the clerk, shall be received as evidence in any court of justice, and shall be *prima facie* evidence that the assessor has complied with all the duties of his office required of him by law; and shall also be *prima facie* evidence that all the laws in relation to the filing and adjustment of taxes have been regularly complied with by the trustees and their board of officers.

When clerk
to receive as-
sessor's list.

§ 28. There shall be established in said town a court, to be styled the Caverna police court, which shall be held by one judge, who shall be elected by the qualified voters of said town, in the manner and at the time that the county

Police court
established, &c.

1869. judge for this county is elected, and to continue in office for the same term of years; and said court shall have exclusive original jurisdiction of all prosecutions for violation of ordinances or by-laws of said town, and civil, penal, and criminal jurisdiction in all cases wherein the laws of this State authorize justices of the peace to determine or in any manner act; and as to committing criminal offenders, and sending them on to further trial, and admitting them to bail, said court shall have the power of two justices of the peace; and for contempt of his court, the police judge shall have the power and authority to punish by fine or imprisonment that the judge of the county court has.

May grant
injunctions.

§ 29. The police judge shall have the same power and authority to grant injunctions, restraining orders, and writs of *habeas corpus*, that the laws of this State confer upon county judges. He shall have power to take depositions same as examiners are authorized by law to take.

Fees of police
judge.

§ 30. The fees of said police judge shall be the same as those of county or quarterly judges for similar services, and the same as examiners for taking depositions; in all other cases, the same as justices' fees for similar services.

When to hold
court, jurisdiction,
&c.

§ 31. The police judge is authorized to hold quarterly courts for the trial of civil causes in the town of Caverna, the day and month of each term to be fixed by the board of trustees. He shall have concurrent jurisdiction with justices of the peace in the trial of civil causes. He shall keep a record of his proceedings; and parties shall have the same right of appeal from his court that they have from the courts of justices of the peace in similar cases. All penalties for breaches of the ordinances or by-laws of the town may be recovered by proceedings or warrant of arrest in the name of the town. The police judge now in office in the town now known as Horse Cave, shall continue in the same till the next regular election.

Who to hold
election of
judge and mar-
shal.

§ 32. The election of police judge and town marshal shall be held by the trustees of said town, or any two of them, under an order of the board. The clerk of the board of trustees shall act as the clerk of the election, or, in his absence, the trustees holding the election may appoint a clerk in holding the said election. The trustees and clerk shall be governed by the same laws, and liable to the same penalties, which apply to officers holding county or State elections in this Commonwealth, except as herein provided. They shall make out and sign a certificate showing the result of said election, and present the same to the clerk of the Hart county court within one week after said election, who shall record the same in the book in which he is required to record the bond of the town marshal, and

shall receive twenty-five cents therefor, to be paid by the trustees. 1869.

§ 33. The clerk of said court, so soon as he shall receive said certificate, shall forward by mail to the Governor of the State an attested copy of the same, so far as the election of police judge is concerned; and said judge shall enter upon the duties of his office as soon as he receives his commission and qualifies according to law. He shall keep a true record of his official acts, and faithfully preserve the records of his office as a justice of the peace is required to do, and be subject to the same penalties imposed by law upon justices of the peace. He shall deliver over to his successor all the official papers and records of his office, under all the penalties of the law aforesaid.

Judge to be commissioned.

§ 34. A certified copy of the official acts, records, and proceedings of said police judge shall be evidence, and have the same effect as records of justices of the peace.

§ 35. If a vacancy shall at any time occur in the office of police judge, either by death, resignation, or otherwise, the trustees of said town shall hold an election to fill the same in the manner heretofore prescribed, on a day to be fixed by them, of which at least ten days' notice shall be given by written notices posted in at least five conspicuous places in said town; and the person so elected shall be commissioned, and shall hold the office until the next regular election.

Vacancy, how filled.

§ 36. The town marshal now in office shall continue in office till the next regular election for constable. The election for town marshal shall be held on the same day that constables are elected, and hold his office for the same time; and if a vacancy shall, at any time, occur in the office of town marshal, it shall be filled by an election in the manner that vacancies are filled in the office of constable, and the said officer so elected shall fill out the unexpired term of his predecessor.

Term of office of marshal, &c.

§ 37. A majority of the board of trustees shall constitute a quorum for the transacting of any and all business pertaining to their offices.

Quorum.

§ 38. The town marshal shall take the oath and give the bond, and in all respects shall be liable as constables are liable. He shall have the power and authority of a constable. He may execute processes which may issue from any justice of the peace in Hart county, or Hart county judge; and in so doing, shall be governed by the same laws, and liable to the same proceedings and penalties, to which constables are liable, and shall have such other powers and duties concerning the police of said town as may be conferred upon him by the by-laws of said town; and for rendering services concurrent with a constable, he shall have the same fees as constables; and for all services

Marshal to take oath, and his powers and duty.

1869. under the by-laws and ordinances of said town, said marshal shall be entitled to such fees as the trustees of said town may prescribe; and the trustees are hereby empowered to regulate such fees, and he may be appointed collector of said town.

Who to pre-
side in case
judge is absent.

§ 39. When the police judge of said town shall be absent, sick, or otherwise incapable of performing his official duties, it shall be lawful for the chairman of the board of trustees to act in his stead during such sickness, absence, or disability.

Fines, &c., to
be paid into
town treasury.

§ 40. All moneys arising from license collected as taxes, imposed by the trustees of said town, and all fines, penalties, and forfeitures adjudged in the Caverna police court for violation of the ordinances of said town, shall accrue to the said town, and shall be applied by the trustees, or a majority of them, for the improvement and benefit of same.

Present ordi-
nances to re-
main in force.

§ 41. All ordinances now in force in said town, except so far as are incompatible with the provisions of this act, shall remain in force, and all the authority and privileges now vested in the trustees, police judge, and town marshal, shall continue and be exercised by them until the expiration of their term of office, as hereinbefore specified; and all acts and parts of acts heretofore passed in regard to this town, that are incompatible with the provisions of this act, be, and the same are hereby, repealed.

Shall not levy
taxes for 1869.

§ 42. That the provisions of this act in relation to the assessment and collection of the taxes, poll and ad valorem, in said town, shall not apply to the year 1869; but full power is hereby given to the board of trustees of said town to provide for the assessment and collection of the taxes in said town for the year 1869, as they may deem best.

May pass by-
laws, &c.

§ 43. The trustees of said town shall have full power to pass by-laws and make all needful regulations, and enforce the same by penalties, in regard to collecting, receiving, and paying out the revenues of said town; to appoint persons to collect revenue, and pay over all moneys from all sources for the use and benefit of the town; and shall make such arrangements for the settlement, at stated times, of the accounts of all officers or persons who may collect revenue, handle or pay out any moneys belonging to said town, as they shall think best for the interest of the town; and shall require the clerk of the board of trustees, once or oftener, if need be, in each year, to publish, in such manner as the board may direct, a full, fair, and complete statement of all the moneys collected, received, and paid out—from what sources received, and for what paid—whether by the direction of the board or otherwise, and the balance or deficiency, if any, in the

treasury of said town: *Provided*, That no member of the board of trustees shall be appointed collector, receiver, treasurer, or disburser of said funds; and no money shall be paid out of the funds belonging to said town for any purpose, except upon the order of the board of the trustees, and signed by their chairman, and countersigned by the clerk of the board of trustees.

1869.

§ 44. The board of trustees shall keep a record of their proceedings, actings, and doings; and a journal containing a record of same shall be kept by the clerk of said board of trustees, in which shall be entered separately the proceedings of each meeting; and the proceedings of each meeting shall be signed by the chairman of the board of trustees, and countersigned by the clerk thereof. The clerk, by an order entered by the board of trustees, may sign the name of the chairman to such proceedings, and then they shall be countersigned by said clerk.

To keep record
of proceedings.

§ 45. This act to take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2126.

AN ACT to incorporate the Danville and McMinnville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas S. Ellison, J. H. C. Sandidge, M. O. Allen, Robert Elliott, William R. Davis, James H. Ritchey, Perry Barron, and Dr. R. M. Alexander, of Cumberland county; James Garnett, Clayton Miller, James R. Hindman, Andy Mercer, H. C. Baker, F. D. Rigney, and Robert A. Caskey, of Adair county; Joseph H. Chandler, Robert Tate, William Howell, John R. Robinson, William Carlisle, [and] R. S. Montague, of Taylor county; Frank Wolford, Geo. W. Drye, W. F. Napier, H. H. Rinerson, [and] Robert Peyton, of Casey county; R. M. Spaulding, William J. Lisle, J. G. Phillips, Felix Phillips, John McElroy, and S. Spaulding, of Marion county; J. M. McFerran, M. J. Durham, Winston Welch, A. G. Talbot, C. T. Worthington, Jas. Williamson, [and] Charles Bowman, of Boyle county; Gabriel A. Lackey, Samuel W. Reed, Thomas Foster, Jas. W. Alcorn, [and] T. W. Varnon, of Lincoln county, be, and they are hereby, appointed commissioners, any two of whom in the said counties may cause books to be opened, and receive subscriptions to the capital stock of the Danville and McMinnville railroad company, which is hereby incorporated. And they may cause books to be opened, at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said

Commissioners to open
books for the
subscription of
stock.

1869. company, after having given such notice of the times and places of opening the same as they may deem proper; and if such subscription to the capital stock of said company as is necessary to its incorporation shall not have been obtained, said commissioners, or a majority of them, may cause said books to be opened from time to time, and may adjourn to such places as they may deem expedient, until the sum necessary for its incorporation shall be subscribed: *Provided*, That any subscription tendered at any time or place other than that advertised, may be received by said commissioners, or any one of them; and if accepted by them, or any one of them, shall be as valid and binding against the party subscribing as if received at the time and place advertised; and if any of said commissioners shall die, resign, or refuse to act, during the continuance of the duties devolved on them by this act, others may be appointed in his or their stead by the remaining commissioners, or a majority of those acting as such.

Capital stock.

Company
incorporated,
and corporate
powers.

§ 2. That the capital stock of said Danville and McMinnville railroad company shall be three millions of dollars, in shares of one hundred dollars each, which may be subscribed by any individual or corporation; and as soon as three hundred shares of said stock shall be subscribed, the subscribers, their successors and assigns, shall be, and they are hereby declared to be, incorporated into a company, by the name of the Danville and McMinnville railroad company; and by this name shall be capable of purchasing, holding, selling, leasing, and conveying real estate, not exceeding ten thousand acres, and personal property so far as the same may be necessary for the purposes of the corporation, and no further, and shall have perpetual succession; and by said corporate name may sue and be sued, contract and be contracted with; and may have and use a common seal, and alter or renew the same at pleasure; and shall have and enjoy all the privileges which other corporate bodies may lawfully do.

How stock
paid.

§ 3. That there shall be paid, at the time of subscribing for stock in said company, to the commissioner or commissioners receiving such subscription, the sum of one dollar on each share, to be paid in money or in a note or notes negotiable and payable to some one or more of said commissioners, at not more than sixty days, at some bank in this State, and the residue thereof shall be paid in installments, and at such times, as may be required by the board of directors of said company: *Provided*, No payment shall be demanded until at least thirty days' notice of such demand shall have been given by said board of directors, by publication in some one or more papers published in Louisville, nor shall more than fifty per cent. be demanded in any one year; but if the exigencies of the company

should require more money than can be demanded of the stockholders, as provided herein, it shall be lawful, a majority of all the directors elected concurring therein, to borrow, on the credit of said company, a sum not exceeding five hundred thousand dollars; and if any subscriber shall fail to pay any installment, or part of an installment, of said subscription, when demanded according to the provisions of this section, the same may be recovered by an action in the name of said corporation against such delinquent subscriber, before any court having jurisdiction of such cases; and in all such actions it shall not be necessary to prove any other demand than the publication provided for in this section; or in case such failure to pay any installment, or part of an installment, of said subscription, demanded according to the provisions of this section, shall continue for the space of sixty days after the time the same is required by such demand to be paid, the board of directors may, in their discretion, order the same to be forfeited to the company, and may, if they think proper, sell it for the benefit of the company; but said board of directors, by a majority of the whole, may remit any such forfeiture on such terms as they may think proper: *And provided further*, That it shall be lawful to receive subscriptions to the capital stock of said company, payable in contracts, well secured, to build such parts of the road, or to perform such work, or furnish such material, as may be accepted by the company.

§ 4. That at the expiration of the period for which the books are first opened, if three hundred shares of the capital stock shall have been subscribed, and if not, as soon thereafter as there shall be subscribed, said commissioners, or a majority of them, shall call a meeting, at such time and place as a majority of them shall designate, giving at least twenty days' notice of the time and place in one or more papers published in Louisville, and at such meeting said commissioners shall lay the subscription books before the subscribers then present; and thereupon said subscribers, or a majority of them then present, shall have power to elect by ballot seven directors to manage the affairs of said company; and these seven directors, or a majority of them, shall have power to elect a president of said company either from among the directors or any other stockholder, and to allow such compensation for his services as they may think proper; and on such elections, and on all other occasions when a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share of stock owned by such voters, and any stockholder may, in writing, depute any other person to act as proxy for it, him, or her; and said

1869.

May borrow money.
Payment of stock may be recovered by action, &c.

Stock may be forfeited.

Subscriptions may be received payable in contracts, &c.

When company may organize.

President and directors to be elected.

How stock voted.

1869. commissioners, or any three of them, shall be judges of said first election

Annual election of directors, how and when held, &c.

§ 5. That to continue the succession of the president and directors of said company, seven directors shall be chosen annually, on the first Saturday in June of each year, at such place as the president and directors may appoint, by the stockholders of said company: *Provided*, That the president and directors may change the time and place of holding elections, upon publishing such change not less than thirty days prior to the elections, in the papers aforesaid; and that the directors of said company, or a majority of them, shall have the power to appoint judges of all elections, and to elect a president of said company, either from among themselves or other stockholders, and to allow him such compensation for his services as they may deem proper; and if any vacancy shall occur by death, resignation, or refusal to act, of any president or directors, before the year for which he was elected shall have expired, a person to fill such vacancy shall be appointed by the president and directors, or a majority of them; and that the president and directors of said company shall hold and exercise their offices until a new election of president and directors; and all elections which are by this act, or by the by-laws of said company, to be made at a particular time, if not made at such time, may be made in thirty days thereafter, upon notice published in the papers aforesaid.

Vacancies, how filled.

Term of office.

General meeting of stockholders may be called.

§ 6. That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings by the president and directors, or a majority of them, or by the stockholders owning one fourth of all the stock subscribed, upon giving thirty days' notice of the time and place of holding the same in the newspapers aforesaid; and when any such meeting is called by the stockholders, such notice shall specify the object of the call; and if, at any such called meeting, a majority in value of all the stockholders are not present, in person or by proxy, the same shall be adjourned from day to day, without transacting any business, for any time not exceeding five days; and if, within said five days, stockholders having a majority in value of all the stock subscribed do not attend in person or by proxy, such meeting shall be dissolved.

Annual exhibit of condition of company to be made.

§ 7. That the president and directors of said company in office for the preceding year shall, at the regular annual meeting of the stockholders, exhibit a clear and distinct account of the affairs of said company. That, at any called meeting of the stockholders, a majority in value of holders of stock subscribed being present, may demand and require similar statements from the president and directors, whose duty it shall be to furnish such statements

when so required; and that, at all general meetings of the stockholders, a majority of them in value may remove from office the president and any or all of the directors, and fill up the vacancies thus made in the same manner they could do at their annual meetings.

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President and directors may be removed.

§ 8. That the president and directors of said company, before he or they shall act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment; and the said president and directors, or a majority of them, or a majority in value of the stockholders in said company, at any of the stated or called meetings of said stockholders, shall have power to elect or appoint a treasurer of said company, and to require and take of him a bond, in such penalty, and with such securities, as they may prescribe, payable to said company, conditioned for the faithful keeping and disbursing of all such money as may come to his hands, and with such other conditions as may be prescribed, upon which bond recovery may be had for a breach of the conditions thereof, by suit in the name of the company, in any court having jurisdiction.

President and directors to take oath.

Treasurer to be elected; to give bond, &c.

§ 9. That if any of the stock authorized by this act shall remain unsubscribed until after the election of president and directors, as provided for in the fourth section of this act, the said president and directors, or a majority of them, shall have power to open the books and receive subscriptions to the stock which shall remain unsubscribed for, or to sell or dispose of the same for the benefit of the company, not under the par value of such stock; and the subscribers or purchasers of such stock shall have all the rights of original subscribers, and be subject to the same regulations and liabilities.

Books may be reopened.

§ 10. That said president and directors, or a majority of them, may appoint all such officers, agents, or servants as they may deem expedient for the business of the company, and may remove them at pleasure. That they, or a majority of them, may determine by contract the pay of such officers, agents, or servants, and regulate by law the manner of adjusting all accounts against the company, and the extent of the liability of the company to its employees. That they shall have power to erect warehouses, workshops, and other buildings or edifices necessary or convenient for the use of said company. That they shall have power to direct and regulate in what manner and by what evidence stock in said company may be transferred; and to pass all by laws they may deem necessary or proper for exercising the powers hereby vested in said company, and for carrying into effect this act, and to alter

May appoint other officers, agents, &c.

May erect warehouses, &c.

How stock may be transferred.

May make by-laws, &c.

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the same at pleasure, provided the same shall not be contrary to the Constitution and laws of the United States or of this State.

Capital stock
may be increas-
ed.

§ 11. That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall be lawful for the president and directors to increase the same as much as they may deem necessary, not exceeding the sum of five millions, giving notice as hereinbefore required.

Corporate
powers.

§ 12. That the president and directors of said company are hereby vested with all the rights necessary to the construction of a railroad from Danville, Kentucky, to a point on the Tennessee line, in the direction of McMinnville in that State: *Provided*, Said road shall run within one mile of the towns of Columbia and Burkeville, along such route as may be selected by the president and directors; and that they may cause to be made contracts with others for making said road or any part of it; and that they, their agents, engineers, &c., or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon, use, and excavate any land which may be wanted for the site of said road, or the erection of warehouses, or other structures or works necessary or convenient to said road, or for its use, or for any other purpose necessary or useful in the construction or repair of said road, or its works and appurtenances; and they may build bridges and construct tunnels: *Provided*, Such bridges shall not obstruct navigation on any navigable stream; and may fix scales and weights, take and use timber, earth, gravel, stone, and other material necessary or useful in the construction and repair of said road.

How earth,
land, right of
way, &c., may
be obtained.

§ 13. That the president and directors, or a majority of them, or their authorized agents, may agree with the owners of any land, earth, stone, timber, or other material or improvements which may be wanted for the construction or repair of said road or any of their works, for the purchase or the use and occupation of the same; and if they cannot agree, and the owner or owners of any of them be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, application may be had to any justice of the peace of said county, who shall thereupon issue his warrant, directed to the sheriff or any constable of said county, requiring him to summon twenty discreet, competent jurymen, not related to the owners, nor in any way interested, to meet on the land, and near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if, at the time and place, any of said jurors do not attend, said sheriff or constable shall forthwith summon as many

1869.

jurors as may be necessary with the jurors in attendance, and from them each party, if present, or, if not present, by agent or otherwise, the sheriff or constable for the party absent may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages. Before the jury acts, the sheriff or constable shall administer to them an oath or affirmation that they will justly and impartially fix the damage which the owner or owners will sustain by the use and occupation of said property required by said company; and the jury, in estimating the damages, shall find for the owner or owners the actual value of the land or other thing proposed to be taken; but in estimating the damages resulting incidentally to the other land, or other property of such owners, shall off-set the advantages to such residue to be derived from the building and operating of said road by, through, or near such residue. The jury shall reduce their verdict to writing, and sign the same; and it shall be returned by the sheriff or constable to the clerk of the county court of his county, and such clerk [shall] receive and file it in his office; and such verdict shall be confirmed by the county court at its next regular term, if no sufficient reason is shown by either party for setting it aside; and when so confirmed it shall be recorded by the clerk at the expense of said company; but if set aside, the court shall direct another inquisition to be held by the sheriff of the county in the manner above prescribed; and every inquisition shall describe the property taken, or the bounds of the land condemned, and the duration of interest in the same, valued for the company; and such valuation, when tendered or paid to the owner or owners of said property, or to the sheriff of the county in which said inquest is held, when such owner or owners do not reside in such county, shall entitle said company to the use or interest in the same thus valued as fully as if it had been conveyed to it by the owner or owners of the same; and the valuation of the same, if not received when tendered, may at any time thereafter be received from the company without cost or interest; if paid on demand, payment to be made to the owners, his, their, or its legal representatives: *Provided*, That land condemned for road-way shall not be more than sixty-six feet wide, unless said company shall file with the justice, at the time of applying for a warrant, the affidavit of some of its engineers, stating that a greater width is necessary, and how much more is required, when the inquisition shall be for the quantity thus stated.

§ 14. That whenever it shall be necessary for said company to have, use, or occupy any lands, material, or other property, in order to the construction or repairing of said road, or their necessary works or buildings, the president

May enter upon
lands, how and
when.

1869. and directors, or their agents, or those contracting with them for constructing or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by a jury formed as hereinafore described; and it shall not be necessary, after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such inquest; and the inquest of the jury, after the payment of such valuation, shall be a bar to an action for taking and using such property, whether begun before or after such confirmation or payment of said valuation.

When requested by company, county court to submit question of taking stock to voters.

§ 15. That whenever the said Danville and McMinnville railroad company shall request the county court of any county through or adjacent to which it is proposed to construct said road, to subscribe, either absolutely or upon specified conditions, a specified amount to the capital stock of said company, the county court so requested shall forthwith order an election to be held at the several voting places in said county, on a day to be fixed by the court, not later than thirty days after the making of such order, and shall appoint judges and other officers necessary to hold said election.

Sheriff to give notice to officers to hold election.

§ 16. That it shall be the duty of the sheriff of such county to give notice to the officers appointed to hold said election, in the same manner as is now provided by law in regard to other elections; and in case any of the officers appointed shall fail to attend, or refuse to act, others may be appointed in the same manner as at general elections.

Sheriff to return poll-books to county clerk, &c.

§ 17. That the person acting as sheriff at the several precincts shall return to the clerk of the county court, within three days after the day of such election, the poll-books of their respective precincts; and on the next day thereafter the county judge and county clerk shall count the vote, and if it shall appear that the majority of those voting voted in favor of the subscription of stock as proposed, the county judge shall order the vote to be entered on the record, and the subscription to be made by the clerk on behalf of the county, on the terms specified in the order submitting the question to a vote.

Vote may be taken in precincts, &c.

§ 18. That whenever the said railroad company shall request the county court of any county to do so, it shall be the duty of such court forthwith to submit to the qualified voters of any designated precinct or precincts in said county the question whether the court shall subscribe to the capital stock of said Danville and McMinnville railroad company, on behalf of said designated precinct or precincts, the amount of stock specified in the request of said company, either absolutely or on such conditions as may be proposed by said company; said election shall be held on a day to be fixed by the court, not later than thirty

days after the order is made, and shall be conducted by officers to be appointed by the court; and the poll-books shall be returned, and the vote shall be counted and entered on the record of the county court in the same manner as prescribed in section — of this act; and if a majority of all those voting in such designated precinct or precincts shall vote in favor of making such subscription, the court shall order the clerk forthwith to make the subscription on behalf of the precinct or precincts to which the question was submitted.

1869.

§ 19. That whenever the city council of any city, or the board of trustees of any town, into, through, or near to which it is proposed to construct said road, shall be requested to do so, it shall be the duty of such city council or town trustees to submit to a vote of the qualified voters of such city or town, on a day to be designated by such council or trustees, not later than thirty days after the application is made to them by said company, the question of subscribing for and on behalf of such city or town the amount of stock proposed by said company, on the terms proposed; and if a majority of those voting shall vote in favor of making such subscription, it shall be the duty of such city council or board of trustees to enter the vote on its record; and the mayor of such city, or the president of the board of trustees of such town, shall make the subscription in accordance with the vote.

Vote may be taken in cities and towns, &c.

§ 20. That if any county, city, or town, shall subscribe to the capital stock of said Danville and McMinnville railroad company, under the provisions of this act, it shall be the duty of the county court of such county, the mayor and council of such city, and the board of trustees of such town, to issue the bonds of such county, city, or town, in denominations of not less than one hundred nor more than one thousand dollars, on payment thereof, with coupons attached, under the seal of such county, city, or town. The bonds of the counties to be signed by the county judge, and countersigned by the clerk, and the coupons to be signed by the clerk alone. The bonds of towns subscribing shall be signed by the president of the board of trustees, and countersigned by the town clerk, and the coupons shall be signed by the clerk alone. Such bonds shall be negotiable and payable to bearer, in the city of New York, at not more than thirty years from their date, and shall bear interest at a rate not greater than eight per cent., payable semi-annually in the city of New York.

Upon subscription by counties, cities, & towns, bonds may be issued.

§ 21. That if any election district or districts in any county shall subscribe to the stock of said company under the provisions of this act, it shall be the duty of the county court of such county to issue the bonds of such district or districts in payment thereof, in every re-

If district subscribes, county court to issue bonds for such district.

1869. spect as if such subscription had been made by the county, except that the bonds shall show on their face the district or districts for which they are issued; and such districts shall be alone bound to pay said bonds and their interest: *Provided, however,* That any money subscribed by Adair county shall be expended in said county in the construction of the road, or so much of it as shall be necessary to construct it through that county.

Tax to be
levied to pay
bonds.

§ 22. That in case any county, city, town, or election district, shall subscribe to the capital stock of said Danville and McMinnville railroad company, under the provisions of this act, and issue bonds for the payment of such subscription, it shall be the duty of the county court of such county, the city council of such city, and trustees of such town, to cause to be levied and collected a tax sufficient to pay the semi-annual interest on the bonds issued and the cost of collecting, and pay said interest on all the real estate and personal property in said county, city, or town, subject to taxation under the revenue laws of the State, including the amount owned by residents of such county, city, town, or election districts; which ought to be given in under the equalization laws.

May appoint
commissioners
of sinking fund

§ 23. That on levying a tax as provided for in this act, to pay the interest on bonds issued by the county court of any county, whether for the whole or only a part thereof, or of any city or town, it shall be the duty of the county court, city council, or town trustees, making such levy, to appoint three resident tax-payers of such county or part of a county, city or town, who shall be styled the board of commissioners of the sinking fund of such county, part of a county, city or town. The commissioners so appointed shall, before they proceed to discharge their duties, be sworn, in the presence of the court, council, or trustees appointing them, faithfully to perform their duties according to the best of their skill and judgment. They shall hold their office at the pleasure of the court, council, or trustees by whom they are appointed. They shall immediately appoint one of their number treasurer, who shall execute bond, payable to the Commonwealth, with such security as shall be approved by the court, council, or trustees appointing the commissioners, conditioned for the faithful keeping and disbursing of all money coming to his hands as treasurer of such board; on which bond suit may be brought, from time to time, by and in the name of such county or part of a county, city or town, or by any other person injured by any breach of his bond, in any court having jurisdiction of the sum claimed in such suit. Such treasurer may be required, at any time, to give a new bond; and any surety in such bond shall be entitled to the same remedies for procuring additional or counter security

To take oath.

Term of office.

Treasurer to
be appointed, &
give bond, &c.

as are now given to the sureties of guardians, administrators, &c. Said treasurer shall be allowed for his services such compensation, not exceeding one per cent. of the money received and paid out by him, as may be allowed by the court, council, or trustees appointing such commissioners, respectively. In case a vacancy shall occur in said board of commissioners, such vacancy shall be filled by the court, council, or board of trustees, by whom such board was appointed.

1869.

Pay of treasurer.

Vacancies, how filled.

§ 24. That taxes levied under the authority of this act, in any county or part of a county, shall be collected by the sheriff of such county; and taxes levied in any city or town shall be collected by the officer of such city or town who is, by law, the collector of taxes levied for the ordinary purposes of such city or town. But before any sheriff or other officer shall be authorized to collect any such tax, he shall execute bond, if a sheriff, with such sureties as may be approved by the county court; and if a city or town officer, with such sureties as may be approved by the council or trustees of such city or town, conditioned that such officer will promptly and faithfully collect and pay over to the proper person, within the time prescribed by law, all taxes levied under this act which may be placed in his hands for collection.

Who to collect taxes.

Collector to give bond.

§ 25. That sheriffs and other officers, having in their hands for collection taxes levied under this act, shall have all the powers of distraining and selling personal property which sheriffs have in the collection of the State revenue; and when such officer shall be unable to find personal property liable to sale for the unpaid tax of any individual, he may levy the same on any real estate of such person situated in the county, and sell the same under the regulations prescribed by law for selling real estate under execution; and all taxes levied under this act shall be a lien on the real estate of the person taxed which shall lie in the county in which such tax is levied; but the owner of any real estate sold may redeem the same at any time within five years after such sale, by paying the purchase money and ten per cent. per annum thereon, with all taxes of every description paid by the purchaser after his purchase, and ten per cent. per annum thereon.

Power of collectors.

§ 26. That sheriffs or other officers, selling real estate for taxes levied under this act, shall give to the purchaser a certificate of his purchase, which shall describe the real estate sold, and state the amount for which it was sold, and the date of sale; which certificate shall be lodged by the purchaser with the clerk of the county court within sixty days, who shall record the same in a book to be kept for the purpose, and for which such clerk shall be entitled to charge a fee of fifty cents; and if such certificate is not

Certificate of purchase to be given, &c.

Certificate to be recorded.

1869. recorded as herein provided, the land may be redeemed at any time within fifteen years, on paying the purchase money, and six per cent. per annum thereon.

Compensation
of collectors.

§ 27. That sheriffs and other officers collecting taxes levied under this act shall receive the same compensation as is allowed by law for the time being for collecting the State revenue.

When tax
collected & paid
to treasurer.

§ 28. That one half of the tax levied in any one year shall be collected by the sheriff or other officer in whose hands the same is placed for collection, and paid over to the treasurer of the board of commissioners of the sinking fund within one hundred and twenty days after the same is placed in his hands, and the residue within six months after the first ought to have been paid; and if any sheriff or other officer, whose duty it is to collect taxes levied under this act, shall fail or refuse to execute bond, as required by this act, for thirty days after the tax is levied, he shall forfeit his office, and the court, city council, or board of trustees levying such tax, may appoint a collector, who shall execute bond, with sureties, and have all the powers, and be subject to all the duties and liabilities of sheriffs and other officers in collecting taxes under this act.

Penalty for
failure to col-
lect & pay over.

§ 29. That if any sheriff or collector or other officer having in his hands for collection taxes levied under this act shall fail to collect and pay over the same within the time prescribed, such sheriff, collector, or other officer shall, with his sureties, be liable for the amounts not paid as required, and ten per cent. thereon, to be recovered on motion on ten days' notice in any court having jurisdiction; and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken.

Commission-
ers to see that
tax is collected.

How money
appropriated.

§ 30. It shall be the duty of the commissioners of the sinking fund to see that the sheriff or other officer collects and pays over taxes placed in their hands according to law, and to institute legal proceedings against them on their failure to do so; they shall appropriate such moneys, when collected, to the payment of the interest on the bonds of their county, city, or town. They shall, whenever a dividend is declared by said Danville and McMinnville railroad company, cause their treasurer to receive the same, and pay the interest on their bonds out of it; and when a surplus shall remain after paying the interest due, they shall apply such surplus to the purchase of their bonds, if they can be purchased at par or less than par; and if they cannot be purchased at par, they shall invest such surplus in some safe and profitable manner, and in such way that the money may be readily realized when needed to buy or pay off bonds.

§ 31. That all dividends which shall be received upon the stock held and owned by any county, part of a county, city, or town, under this act, shall be, and are hereby, set apart, to be held sacred as a sinking fund, to be only used, as provided in this act, for the payment of the principal and interest of the bonds issued under the authority of this act.

1869.

How dividends disposed of.

§ 32. That in case the dividends upon the stock held and owned under this act by any county, part of a county, city, or town, and for which bonds shall have been issued, shall not be sufficient to enable such county, city, or town to pay its bonds at maturity, it shall be the duty of the commissioners of the sinking fund to report such fact to the county court, city council, or town trustees, at least five years before the maturity of said bonds; and if any county court, city council, or the trustees of any town owning such bonds, shall deem it proper to do so, they may issue new bonds, having not more than twenty years to run, and payable at such place as may be designated on the face of such bonds, bearing the same interest, and secured in all respects as the bonds first issued are secured, and sell such bonds or exchange them for the old ones: *Provided, however,* That if any county court, city council, or town trustees, shall deem it inexpedient to issue and sell such new bonds, or shall be unable to raise money sufficient to pay off its indebtedness at maturity by a sale of new bonds, it shall be the duty of such county court, city council, or town trustees, to cause a tax to be levied and collected on all the property in such county, city, or town which, by the provisions of this act, is subject to taxation to pay interest, sufficient, when added to any sum raised by sale of new bonds, to discharge the old bonds at maturity: *Provided, also,* That any tax levied under the provisions of this section shall be collected by the same officers, under the same powers, and subject to the same responsibilities in every respect, as provided in this act in relation to the collection of taxes levied to pay interest.

Proceedings in case dividends are not sufficient to pay bonds at maturity.

§ 33. That in case a direct tax shall be levied to pay all or any part of the bonds of any county, part of a county, city, or town, issued under this act, at or before maturity, it shall be the duty of the commissioners of the sinking fund to cause to be transferred to the tax-payers or their assignees stock held by said county, city, or town, to the amount of the tax paid, upon the delivery to said commissioners of tax receipts by the holders thereof; such receipts shall be negotiable by indorsement; and no stock shall be transferred for a less amount than one hundred dollars.

Stock to be transferred upon delivery of tax receipts.

§ 34. That it shall be the duty of the treasurers of the several boards of commissioners of the sinking fund ap-

Certificates of stock, when & how issued.

1869. pointed under this act, upon the surrender to them at their respective offices of receipts given for taxes paid to defray the interest on the bonds of their respective counties, cities, or towns, prior to the time of declaring the first cash dividend to the amount of one hundred dollars or more, to issue to the holders thereof certificates setting forth the number of shares of stock to which the holder is entitled, and to give a separate receipt for any fractional part of a share, which receipt shall be negotiable by indorsement, and may be added to other like receipts or tax receipts to make up a full share. The treasurer shall write or stamp the word "canceled" across the face of each tax receipt taken up by him, and file it away in his office; and he may charge and collect one dollar per share for each certificate issued by him. He shall keep a list of the names of those to whom he issues certificates, with the number of the certificate and the number of shares for which each was given; and shall, on the last day of each month, make out and forward to the secretary of the company a copy of the list of certificates issued during that month.

Stock to be
issued for divi-
dends.

§ 35. That it shall be the duty of the said Danville and McMinnville railroad company, after the first cash dividend shall be declared, on presentation at its office of the stock certificates issued under the provisions of the last preceding section, to issue stock therefor to those to whom such certificates were issued, or their representatives or assignees.

Commissioners
to keep record
of proceedings.

§ 36. That the commissioners of the sinking fund shall keep an exact record of all their actings and doings as such; and their treasurer shall keep a strict account of all moneys received or paid out by him, and shall settle his accounts annually, or oftener, if required, which settlements shall state fully his accounts since his last settlement.

Real estate to
be taxed.

§ 37. That all the real estate lying in any county, election district, city, or town, issuing bonds under this act, shall be taxed for the purpose of defraying the interest on such bonds, and for the payment of the principal, if that shall be paid by taxation; and when a part only of the land of any tax-payer shall lie in such county, district, city, or town, the assessor of tax shall designate on his books what part lies within such county, district, city, or town, and its value, and only such part shall be assessed for the purposes of this act.

Commission-
ers to cast vote
in meetings of
stockholders.

§ 38. That the commissioners of the sinking fund, or one of them, shall cast the vote to which their respective counties, districts, cities, and towns may be entitled, in any meeting of the stockholders of said Danville and McMinnville railroad company: *Provided*, That if neither of them

shall attend, then any person, duly authorized by any two of said commissioners, may cast the vote as proxy for said commissioners.

1869.

§ 39. That the president and directors of said Danville and McMinnville railroad company may, if it shall seem advisable to them, increase the capital stock of said company to a sum equal to the total cost of the road and its equipments, depots, water-stations, &c.

Capital stock may be increased.

§ 40. That said company may acquire a right of way sixty-six feet wide; but this shall not be construed as a limitation not to acquire any width that may be shown to be necessary by the affidavit of an engineer, filed with the justice at the time of suing out a warrant for condemning such land.

May acquire right of way.

§ 41. That said Danville and McMinnville railroad company shall be exempt from taxation until it is completed, and that it shall never be taxed at a valuation beyond the rate at which railroads are now taxed, nor exceeding its actual value.

Taxation of road.

§ 42. That the president and directors of said company may, with the assent of the holders of a majority in value of the stock of said company, purchase and hold any other railroad in this or any other State, and may subscribe stock in, or aid in the building of, any other road in or out of this State, whenever, in their judgment, it may be to the interest of the Danville and McMinnville railroad company to do so. They may sell the said Danville and McMinnville railroad, or lease the same, and may build branches from said road.

May purchase other roads, &c.

§ 43. That said Danville and McMinnville railroad company may receive donations of land, to be used for any of the purposes of said road, or to be sold to raise money to build the same, and may receive subscriptions, to be paid in land, at a valuation to be fixed by such means as may be agreed upon between said company or its authorized agents and the subscriber; and may lease or sell and convey any land so given or subscribed: *Provided*, All such lands shall be sold for money to be expended in building said road.

May receive donations, &c.

§ 44. That said Danville and McMinnville railroad company may, the holders of a majority in value of all the stock therein concurring, agree on terms for consolidating said company with any other railroad company, on such terms as may be agreed upon; but no such consolidation shall, in anywise, affect the holders of mortgage bonds issued by said Danville and McMinnville railroad company.

May consolidate with other roads.

§ 45. That the Danville and McMinnville railroad company may issue and sell the bonds of said company, of the denominations of one hundred and one thousand dollars,

Company bonds may be issued.

1869. to be signed by the president and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding three millions of dollars, bearing not exceeding eight per cent. interest, payable semi-annually, with coupons attached, signed by the secretary of the company, to be made payable as said company may direct, within thirty years from their date.

How secured
and paid.

§ 46. To secure the prompt payment of the interest and principal of the bonds issued by authority of this act, said company may execute a mortgage or deed of trust, appointing a trustee or trustees, and from time to time fill vacancies that may occur, for the use and to secure the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and object of its execution.

Proceedings
in case of fore-
closure of mort-
gage.

§ 47. That if the mortgage or deed of trust authorized by the last preceding section shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions. Upon such foreclosure, the president shall make a correct list of all bonds secured by such mortgage or deed of trust which have been sold, and verify it by his affidavit, which affidavit and list shall be filed in the circuit court, where only such proceeding is authorized to be had. Such foreclosure shall not take place until ninety days after publication of notice of the commencement of proceedings to that end shall have been made, in one or more newspapers published in the cities of New York and Louisville. The person or corporation becoming the purchaser or lessee of said road, by reason of any sale or leasing to satisfy the demands of bond-holders, shall be vested with all the rights, privileges, franchises, and immunities of the corporation.

Sinking fund
may be created.

§ 48. That to create and secure a fund for the final redemption of mortgage bonds issued under the authority of this act, a sinking fund shall be created by said company, and in order to create such sinking fund, said company shall, at the time of declaring the first cash dividend, ascertain what sum ought to be set aside annually in order to create a fund sufficient to redeem its bonds at maturity, and then set apart and pass into the sinking fund that sum; and thereafter, annually, there shall be set aside and pass into said fund a like sum, until a fund is created sufficient to pay the outstanding bonds of the company, which fund shall be held sacred for the redemption of said bonds, and shall be used for no other purpose. That the company may loan and reloan the sums set apart, at any rate of interest not greater than that paid on its bonds, or may invest the same in any safe and profitable manner deemed advisable, which is not inconsistent with the purposes and objects of creating said fund: *Provided*, That said com-

pany may use any or all of said fund in retiring its bonds before maturity, if deemed advisable; but no bond purchased with the proceeds of the sinking fund shall be resold, but the same shall be canceled.

1869.

§ 49. The holders of mortgage bonds issued under authority of this act may demand, and on such demand shall be entitled to receive, evidences of stock in said Danville and McMinnville railroad company, in lieu of their bonds, at dollar for dollar, at any time within seven years after there is a through run of cars from Danville to Burksville.

Evidences
of stock to be
given.

§ 50. The bonds of the company, nor the bonds of counties, parts of counties, cities, or towns, issued under authority of this act, whether sold and delivered in this State or elsewhere, shall not be avoided, in whole or in part, by reason of the rate of interest agreed to be paid, or of the place at which they may be sold or delivered, nor by reason of their having been sold at less than their par value.

Bonds not to
be avoided.

§ 51. This act shall take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2127.

AN ACT to amend an act, entitled "An act to amend and reduce into one all acts incorporating the Masonic Savings Institution."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to amend and reduce into one all acts incorporating the Masonic Savings Institution, approved February 20th. A. D. 1864, be, and the same is hereby, amended as follows :

§ 2. That the 11th, 12th, and 15th sections of the act to which this is an amendment be, and the same are hereby, repealed.

§ 3. If any cashier, teller, clerk, or other officer, shall appropriate any of the funds of said corporation to his own use, or shall willfully fail to make correct entries, or knowingly make false ones, on the books of the bank, with intent to cheat or defraud the corporation, or any other person, or to conceal any appropriation of funds, the officer so offending shall be deemed guilty of a felony, and shall, upon conviction thereof, be sentenced to confinement in the jail or penitentiary of the Commonwealth for a period of not less than two nor more than ten years.

§ 4. That section three of an act, entitled "An act to amend the charter of the Masonic Savings Institution of the city of Louisville," approved January 25th, 1867, be, and the same is hereby, amended so as to read as follows :

1869. The capital stock of said corporation shall not exceed the sum of five hundred thousand dollars.

§ 5. This act shall take effect and be in force from its passage.

Approved March 15, 1869.

CHAPTER 2128.

AN ACT to change the name and extend the limits of the Town of Berry Station, in Harrison County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Name changed
and boundary
fixed.

§ 1. That the name of the town of Berry Station, in Harrison county, shall be changed to that of Berryville; and that the former boundaries shall be so changed, and the lines so run and extended, as to inclose and embrace within its limits the brick school-house and lot of ground attached; also the county infirmary and lot of ground belonging and attached thereto, and then run with the old boundary, including within the lines the houses and lots of Watson and Bruce; thence to include the resident mansion of R. S. Adams; thence direct to South Licking river; thence down said river to the lower side of the bridge; thence turning to the right, running up the bank with the boundaries of Lair, Redmen & Co.'s still-house lot, until it comes to the road that passes by W. B. Hildreth's blacksmith shop; thence to the left, running with said road until it strikes the said river at or near the corner of the lot formerly owned by Doctor Dickey, leaving the distillery lot and pens of Lair, Redmen & Co., outside of said boundary; thence with the former boundaries.

In whom mu-
nicipal affairs
vested.

§ 2. That hereafter the fiscal, prudential, and municipal concerns of said town shall be vested in five trustees and a police judge, who, by virtue of his office, shall be chairman of the board of trustees, who, together with a town marshal, shall be annually elected on the first Saturday in April by the free white male inhabitants over the age of twenty-one years, who shall have resided in said town sixty days previous to said election, and are qualified voters by the laws of the State.

Term of office
of police judge,
trustees, and
marshal, and to
take oath.

§ 3. That the police judge, trustees, and town marshal, shall hold their respective offices for the term of one year, and until their successors shall be elected and qualified, who, before entering upon the duties of their office, shall take an oath before some legally authorized officer that they will support the Constitution, and faithfully, and without favor or affection to any one, discharge the duties of their office during their continuance therein.

§ 4. That the present incumbents or board of officers shall continue in office and perform the duties thereof until after their successors are elected in April and qualified.

1869.

How long present incumbents to continue in office.
Eligibility of officers.

§ 5. That no person shall hold the office of police judge, trustee, or marshal, who is not, at the time of holding the same, a citizen of said town, and who has not resided therein at least three months previous to his or their election, and shall be at least twenty-one years of age.

§ 6. That said police judge and trustees, and their successors in office, shall be a body-politic and incorporate, and shall be known by the name and style of "The Board of Trustees of the Town of Berryville;" and by that name shall be capable in law of contracting and being contracted with, suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and may use either a common or private seal, and do all other acts, matters and things, which a body-politic and corporate, having perpetual succession, can lawfully and rightfully do, within the limits of the powers herein granted.

Body-politic and corporate powers.

§ 7. That said board of trustees shall have power to make and receive all necessary conveyances in relation to and for the benefit of said town. They shall have power over the streets and alleys and sidewalks now in said town, or which may hereafter be opened; may direct the improvement of the same in such manner as they may deem most beneficial to the interests of said town; and shall have power and authority to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the Constitution and laws of this State. They shall have power to levy and collect a poll tax, not exceeding annually two dollars on each tithable; and also an ad valorem tax on the property of the citizens of said town, both real, personal, and mixed, including everything now taxed for revenue by the laws of the State, and on the real estate in said town owned by non-residents of said town, not exceeding annually one dollar on each hundred dollars' worth. They shall have power to tax auction sales, shows, concerts, and exhibitions for money, when held within the town, or within one mile thereof, exceeding twenty dollars. They shall have power to declare what are nuisances within said town, and by their order direct the same to be abated and removed, and may impose a fine on whomsoever may have caused the same. They shall have power to provide for the security of the town against fire, by organizing a fire company, defining their duties, and punishing by adequate fines or penalties those who fail to perform the duties required of them. They shall have power to regulate the markets,

Powers and duties of trustees.

1869.

and appoint a market-master, a coal and wood measurer, define his and their duties, and fix his or their fees. They shall have power to purchase and receive conveyances for any quantity of ground within or without the limits of said town, not exceeding five acres, for a cemetery; and they shall have power to purchase a lot of ground large enough and suitable to erect a watch house thereon, and erect it within said town, for the confinement of all persons violating the ordinances of said town, and for crimes and misdemeanors which can be punished by confinement in the county jail, and appoint a keeper thereof, define his duties, and fix the amount of his salary.

Exclusive
right to license
coffee-houses,
billiard-sal-
oons, &c.

§ 8. That said board of trustees shall have power, and the exclusive control and right, to grant licenses for the sale, by retail, of all spirituous, vinous, or malt liquors, within said town; and no person shall have the right to sell spirituous, vinous, or malt [liquors] in said town, by retail, without first having obtained a permit or license from said trustees, any law or statute to the contrary notwithstanding. They shall have power to tax all taverns, tippling-houses, and merchants, licenses not exceeding one hundred and fifty dollars, and ale and beer saloons not exceeding seventy-five dollars: *Provided*, That nothing in this act shall excuse said persons from paying the tax to the State and to [the] United States, and obtaining their licenses from the county court and the Federal assessors, and executing bonds, as now required by law.

Clerk, treas-
urer, &c., to be
appointed, and
collector and
treasurer to
give bond.

§ 9. That it shall be the duty of said trustees, annually, after their election, to appoint a clerk, treasurer, collector, and overseer of the streets and alleys, and such other officers as they may deem necessary; and take from the collector and treasurer bond, with approved security, payable to the board of trustees of the town of Berryville, in such penalty as they may direct, conditioned for the faithful discharge of their duties; and for a violation thereof on the part of either of said officers, motions may be made or suits brought before any tribunal having jurisdiction, in the same manner, and under the same rules and regulations, that motions are made or suits brought against other officers for failure of duty; and the said trustees shall have power to remove either of them for failure of duty, and to appoint others in their place.

Duty of clerk.

§ 10. That it shall be the duty of the clerk to keep a record of the proceedings of said trustees, to draw all orders on the treasurer for the payment of money when ordered by said trustees, and to issue licenses for shows, exhibitions, &c., when the treasurer's receipt is presented to him for the amount of tax; and do all other acts which the trustees may legally require of him.

§ 11. That it shall be the duty of the treasurer to receive and keep all moneys belonging to said town, subject any time to the order of the trustees, attested by their clerk, and to render annually an account to the trustees, and oftener if required by them so to do.

1869.
Duty of
treasurer.

§ 12. That it shall be the duty of the collector to collect all taxes which may be placed in his hands, and pay the same over to the treasurer; and to make out and return to the trustees, within four months after the list shall have been placed in his hands for collection, a report of the amount collected and who from, and the names of the delinquents, and the amount due from each; whereupon the said board of trustees shall have power, and it shall be their duty, to make an order commanding and requiring the collector to levy upon so much of the delinquent's property, either personal, real, or both, as may be sufficient to pay and satisfy the amount of tax and costs that may be due; and in pursuance of said order the collector shall make said levy, and, after having advertised the said property for sale at the court-house door in Cynthiana, if it be real or mixed estate—if it be personal estate, may be advertised in said town of Berryville in at least three public places for fifteen days—shall thereupon proceed to sell at some public place so much as may be necessary to pay the tax and costs thereon, to the highest bidder, to whom the said collector shall give a certificate of his purchase, upon his paying the amount bid, which certificate shall entitle the purchaser, his heirs or assigns, to demand from, and receive of, the board of trustees a deed of conveyance of the property described in said certificate (warranting alone against themselves), at any time after twelve months from the time of sale, unless the owner or owners thereof shall have redeemed the same by paying or tendering to the purchaser, and giving notice to the said trustees of the payment or the tender of the amount of said purchase money and costs, with twenty-five per cent. thereon, and the purchaser in all cases paying the expense of making the conveyance; and the trustees shall have a lien on all property in said town, both real and personal, for the tax; and the collector shall have power to levy on and sell personal property for tax without an order of the trustees, and prior to the time appointed for him to return his delinquent list: *Provided, however, That non-residents of the county shall have two years to redeem in, under the same regulations provided for others, with the addition of twenty-five per cent. if not redeemed within the first year: And provided further, That infants, femes covert, idiots, and lunatics, may redeem their property within three years after their several disabilities shall have ceased, by paying*

Duty of
collector, &c.

1869. the amount of tax and costs, and fifteen per cent. per annum from the time of sale.

May cause
foot-walks to
be paved.

§ 13. That it shall be lawful for said trustees to enter up an order directing the citizens of said town, or any portion thereof, or lot-holder, whether residing in said town or any other place, to pave a foot-walk in front of their respective lots, of such width and kind as they may direct; a copy of such order shall be delivered to the owner, his agent, or the person in possession of the property, by the marshal; and it shall be lawful for said trustees, upon failure of any citizen or citizens of said town, or owner of property in said town, for three months after service of said order, to pave said foot-walk, to have the same done; and the property in front of which said foot-walk is made shall be made responsible for the expense, and may be sold in the same manner as provided in section twelve for sale of property for tax.

Police judge
to be commis-
sioned, his pow-
er & jurisdic-
tion.

§ 14. That immediately after the election in each year, the clerk of the trustees shall make out and certify to the Governor of the State the name of the person who has received the highest number of votes for police judge, which shall be sworn to before some judge or justice of the peace, and certified by him, whereupon the Governor shall cause a commission to be issued to him as police judge of the town of Berryville for one year, and until his successor is duly qualified. The said police judge shall have jurisdiction of all offenses arising under the by-laws and ordinances of said town; and shall have power to issue warrants, enter judgments, and award execution, and issue process for witnesses, and compulsory process when they fail to attend; and as a court of inquiry in criminal cases, he shall have the jurisdiction of one justice. He shall have power to fine and imprison for contempt, not exceeding five dollars fine or three days' imprisonment; he shall have power to order a jury to be summoned in any case cognizable before him, where a jury would be required before a circuit court or a justice of the peace; he shall have concurrent jurisdiction in criminal cases with justices of the peace in the county of Harrison, and for the due and efficient exercise of the power herein and hereby in him; he shall have power to award process and issue writs, as may be necessary to enforce the due administration of right and justice, and for the lawful exercise of his jurisdiction, agreeable to the usages and principles of law. It shall be the duty of said police judge to keep a record of all his official proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace; and either party shall have the right to appeal from all judgments rendered by said judge, in the same manner as appeals from justices of peace in

similar cases. He shall keep a docket, order-book, and an execution-book, which shall be provided for him by the board of trustees, and be paid for out of the funds of said town.

1869.

§ 15. That it shall be the duty of the marshal to serve notices, &c., and all process and precepts to him directed from said police judge. The said marshal shall execute bond, payable to the Commonwealth of Kentucky, in such sum as the trustees may require, for the faithful and legal performance of his duties, and also take the oath required of sheriffs.

Duty of marshal.

§ 16. That whenever a vacancy occurs by death, resignation, or otherwise, in the office of police judge, town marshal, or the trustees of the town of Berryville, that a majority of the remaining board of trustees shall cause an election to be held to fill said vacancy, after having given three days' notice of the same; and said election shall be held and conducted in the same manner as regular elections: *Provided*, That if more than one half of the term of service shall have expired, then the board of trustees shall appoint some suitable person to serve the balance of the unexpired term.

Vacancies, how filled.

§ 17. That all fines and forfeitures for the breach of any by-law or ordinance of said town shall be paid over to the treasurer for the use and benefit of said town, and shall be for the use and benefit of said town, any law to the contrary notwithstanding.

Fines, &c., to be paid into town treasury.

§ 18. That the police judge shall be entitled to charge and collect the following fees, viz: for a peace warrant, riot, rout, breach of the peace, unlawful assembly, or disturbing religious worship, one dollar; for a warrant for a violation of a by-law or ordinance of said town, where the trustees are plaintiffs, fifty cents; for swearing a jury and presiding over a trial in any case, except forcible entry and detainer, one dollar, to be charged to the applicant; and for any and all services the same fees as are now allowed justices of the peace for similar services.

Fees of police judge.

§ 19. That the fees of the marshal shall be the same as are now allowed to constables.

Fees of marshal.

§ 20. That the collectors shall be allowed and entitled to the same fees as sheriffs for similar services.

Fees of collector.

§ 21. That the board of trustees shall, from year to year, fix the amount to be paid to the clerk, assessor, and street overseer for their services.

Pay of clerk, assessor, &c.

§ 22. That, previous to each annual election, the trustees shall appoint three suitable persons to hold said election, who shall, on the first Saturday in April, at nine o'clock, A. M., open the polls for the election of the officers provided for in this chapter, and keep the same open until four o'clock, P. M., and shall return, under oath, to the

Who to hold elections, and how and when.

1869. clerk of said trustees, a just and true list of all the votes cast, immediately after the close of the polls.

Conflicting
laws repealed.

§ 23. That all the provisions of the former charter of this town conflicting with this are hereby repealed.

When to take
effect.

§ 24. That this charter shall go into effect on the 25th of March next.

May be
repealed.

§ 25. That the Legislature reserves the right to repeal, alter, or amend this act at pleasure.

Approved March 15, 1869.

CHAPTER 2129.

AN ACT for the benefit of Zephaniah Meek, of Boyd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of ninety-seven dollars and twenty cents be, and the same is hereby, appropriated to Zephaniah Meek, of Boyd county, for services rendered and expenses incurred in the apprehension and return from Ohio of John Wells, a fugitive from justice, said Meek being specially deputed, by commission from the Governor of Kentucky, to make the arrest herein indicated.

§ 2. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2130.

AN ACT for the benefit of Wm. P. Johnson, late Sheriff of Pike County, and his Sureties.

WHEREAS, There was issued from the clerk's office of the Franklin circuit court an execution in favor of the Commonwealth and against William P. Johnson, late sheriff of Pike county, and John Dils, jr., and others, as sureties of said Johnson; which execution was for eight hundred and sixty dollars and twenty-five cents, and one hundred and seventy-two dollars and five cents damages, and three dollars and five cents costs, besides interest and attorney's fee, it being for the unpaid revenue of Pike county for the year 1867. Said execution was levied upon a tract of land lying in Pike county belonging to John Dils, jr., and said land was sold on said execution on the 15th day of June, 1868, and the Auditor, by his agent, purchased the same at an amount sufficient to pay off the entire execution; and as the same was not two thirds the valuation of said land, and the said Dils desiring to redeem the same, wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1869.

§ 1. That when John Dils, jr., or any one for him, shall pay into the Treasury the amount of said execution, interest and costs, and costs of said sale, the damages aforesaid shall be released, and the land shall be redeemed from the effect of said sale: *Provided*, That the same shall be done before one year shall have expired from the date of said sale.

§ 2. This act shall be in force from its passage.

Approved March 15, 1869.

CHAPTER 2131.

AN ACT for the benefit of Edward R. Webb, of Johnson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of forty-eight dollars and forty cents be, and the same is hereby, appropriated to Edward R. Webb, out of any money in the Treasury not otherwise appropriated, for common school taught in district No. 51, Johnson county, for the year 1863: *Provided*, That the said sum shall be deducted from any surplus due said county, or if there be no surplus, then from the bond fund due said county.

§ 2. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2132.

AN ACT for the benefit of Floyd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State is hereby empowered and directed to furnish the county court and circuit court clerks' offices of Floyd county with such books as by law they are entitled to according to the provisions of chapter sixty-one of the Revised Statutes and the several acts amending the same and supplementary thereto, and which books are missing from their offices, having been destroyed by armed soldiers, when a list or catalogue, signed by the clerk or clerks of said courts, shall have been filed in the office of Secretary of State, showing what books are missing from the offices in said county.

§ 2. If necessary, the Secretary of State shall purchase the said books, and report the same to the Auditor, who

1869. shall draw his warrant upon the Treasurer for payment of same, and the Treasurer shall pay the same out of any money in the Treasury not otherwise appropriated.

§ 3. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2135.

AN ACT to authorize the Simpson County Court to aid in constructing Turnpikes in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Simpson county court, consisting of the county court judge and justices of the peace for said county, or a majority thereof, are hereby authorized and empowered to appropriate the sum of ten thousand dollars to aid in the grading and metaling a turnpike road from the town of Franklin, in the direction of Middleton, to west edge of Simpson county; and also, the further sum of ten thousand dollars to aid in the grading and metaling a turnpike road from said town, in the direction of Scottsville, to the east boundary of said county.

§ 2. But no part of said county appropriation shall be expended until the sum of five thousand dollars shall be first subscribed to each of said roads by good and solvent persons; but when such sums are subscribed and well secured, in the judgment of said county court, by individuals, then it shall be the duty of said county court, or a majority thereof, to proceed to grade and metal said pikes, upon the McAdam's plan or such other plan, with stone or gravel, deemed by them equally efficient and serviceable; and they may designate such parts of said roads, by spaces not less than one mile, which shall be first finished.

§ 3. For the purpose of providing the means to aid in constructing said pikes, the said county court, or a majority thereof, shall levy and collect annually a sum of money not greater than ten thousand dollars, until all of said twenty thousand dollars are levied and collected; and all the property, money, and other things, liable to be taxed upon the ad valorem principle for State purposes, shall be liable to be taxed to raise said money.

§ 4. The Simpson county court shall not levy nor cause said tax to be collected until the voters of said county, by a majority of the voters voting, shall vote for and adopt the provisions of this bill; and to determine whether they adopt the provisions of said bill, an election may be held at the several voting places in said county, at any time, by order of the Simpson county court judge, and giving at

least thirty days' notice in writing, at each voting place, of the time and object of said election; and the following question shall be distinctly propounded to each voter by the sheriff: "Are you for or against county aid to turnpikes in Simpson county?" and his vote shall be recorded in accordance with his answer.

1869.

§ 5. All the laws protecting and applying to general elections, as far as applicable, shall apply to this election, except as to the time of holding the same.

§ 6. If this act shall be approved by said voters, it shall be the duty of the county court to immediately levy and appropriate said sums, as herein authorized; and the sheriff shall collect said taxes, and pay out the same as the court may order and direct; and his official bond shall be deemed to embrace said taxes; and the county court shall fix his compensation.

§ 7. This act shall take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2136.

AN ACT for the benefit of John Deaton and John Lewis, jr.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of one hundred and forty-six dollars (\$146) be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to John Deaton, and the further sum of one hundred and two dollars (\$102) is hereby appropriated to John Lewis, jr., for services rendered in removing obstructions out of the Middle Fork of Kentucky river; and the Auditor is hereby directed to draw his warrant in favor of said John Deaton and John Lewis, jr., for the sums above named.

§ 2. This act to be in force from its passage.

Approved March 15, 1869.

CHAPTER 2137.

AN ACT to incorporate the Laboring Man's Loan and Aid Association, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be, and is hereby, created a corporation, by the name of the "Laboring Man's Loan and Aid Association, of Louisville, Kentucky;" and by its

1869. corporate name may sue and be sued, plead and be impleaded, answer and defend, as a natural person, in all courts of this Commonwealth and elsewhere; may have and use a common seal, and alter and renew the same at pleasure; and may make and establish by-laws, rules and regulations, for the efficient conduct of its business, and exercise all and any of the powers of a corporation necessary or proper to carry out the true intent and purposes of its creation.

§ 2. The objects of this association shall be the purchase, improvement, and sale of real and personal estate upon the mutual benefit system plan.

§ 3. The officers of this association shall be a president and seven directors, whose term of office shall be twelve months from the time of their election, or until their successors shall have qualified. The president shall be elected from among the board of directors.

§ 4. When, from any cause, a vacancy occurs in said board, an election may be held by the association at such times and places, and upon such notice, as shall be deemed proper by the association. The voting at such elections shall be by ballot. The member receiving the highest number of votes shall be declared duly elected to fill such vacancy for the full or unexpired term, as the case may be. Any member may, if he so desires, vote his stock by proxy. It shall be the duty of the board of directors to appoint three judges to superintend said election.

§ 5. Members of the board of directors shall be eligible for any succeeding term; and four members of said board shall constitute a quorum to do business. The president and board of directors, and their successors in office, shall have complete charge and management of the business operations of the association, except as hereinafter restricted. The president shall see that the subscriptions of stock are promptly paid, and report to the board any delinquency. He shall superintend all investments of the association funds, and see that the same are properly and judiciously expended. He shall not, upon his own account, incur any liability against the association; but when an expenditure of association funds is proposed, in any other mode than as hereinafter provided, or when, in his judgment, it becomes necessary to employ a clerk, servant or servants, for the association, he shall report the same to the board, who shall empower said president to employ said clerk, servant or servants, as the case may be. It shall be the duty of the president to institute, in the name of the association, all actions for the foreclosure of all bonds held by the association. He shall also, in the name of the association, defend any action that may be brought

against the association. The board of directors shall employ a competent attorney to prosecute or defend any suits; also to examine any titles to any real estate which the board of directors propose to purchase for a member, or which any member offers to mortgage to the association. The fees paid by such members shall be the only compensation paid to such attorney, and shall, in no event, exceed the regular fees fixed by the members of the Louisville bar for similar services. The president shall take an oath to faithfully discharge the duties of his office; and bond may, at any time, be required of him by the board. He shall allow no money to be paid out except upon his warrant. He may be impeached for malfeasance in office, and after a proper hearing may be removed from office by a vote of a majority of the board of directors. He shall be paid such annual salary as a majority of the board shall allow by resolution.

§ 6. A secretary may be chosen by the board of directors from among the stockholders and paying members, but shall not be a member of the board. He shall, under the supervision of the president and board, preserve all the accounts, and keep a regular set of books, and therein shall correctly classify the various grades of membership and stock; he shall furnish the board, semi-annually, a detailed balance sheet and statement of the business of the association; he shall countersign all warrants for money, and shall keep a correct account of the same; he shall collect and receive all moneys due the association, and forthwith pay the same to the treasurer, taking his receipt therefor. Bond may be required by the board for the faithful discharge of his duties as secretary. He shall furnish a monthly statement to the president, and may be removed from office by a majority of the board for malfeasance in office, or a willful neglect of duty; he shall be paid a reasonable compensation for his services as secretary, to be determined annually by a resolution of the board.

§ 7. A treasurer shall be elected by the board from among the stockholders and paying members. He shall receive from the secretary all payments of money belonging to the association, and receipt therefor; he shall be the custodian of all funds belonging to the association, and shall keep a regular account with the association, which shall be balanced at the end of every month, and the statement thereof furnished to the secretary; he shall pay out no money of the association except upon the warrant of the president, countersigned by the secretary; he shall execute a bond to the association, with approved security, for the faithful discharge of his duties as treasurer.

1869.

1869.

§ 8. Certificates for permanent stock shall be issued only by the president and secretary upon the production of receipts by the secretary showing the full payment of the share, and the grade or class to which it may belong. The stock of a deceased member, in any grade, shall pass, with all the rights of the decedent, to his or her personal representatives.

§ 9. Stock shall be classified in three grades, as follows:

Class or Grade A.—Shares of stock shall be twenty-five dollars each. Members of this grade shall pay twenty per cent. within thirty days after stock is subscribed, and ten per cent. every sixty days thereafter, until the full payment of each share of stock in this grade shall not exceed three hundred dollars to each member.

Class or Grade B.—Shares of stock shall be fifty dollars each. Members of this grade shall pay fifteen per cent. within thirty days after the subscription is made, and ten per cent. every ninety days thereafter, until the payment of each share is fully made. Shares of stock in this grade shall not exceed five hundred dollars each.

Class or Grade C.—Shares of stock shall be one hundred dollars each. Members of this grade shall pay fifteen per cent. within thirty days after the same shall have been subscribed, and ten per cent. every sixty days thereafter, until each share of stock be fully paid. This stock shall be the permanent capital of the association.

Stock in this association may be taken by any person or corporation capable in law of making a contract. All the funds of the association, after deducting rent, expenses, and dividends on stock, shall, as rapidly as one share is paid into the treasury, be loaned to the members of all grades, exclusive of the members of the board, on regular loan days, and in sums not exceeding in amount the shares held by the borrower. Loans shall be awarded by the president and board only upon written proposals, signed by the members asking the loan; which proposal shall designate the premium the member is able and willing to pay; also, what mortgage security he can offer for the loan, with covenant to insure the improvements on the property he proposes to mortgage, if insurance should be required; and also to pay the incidental expenses, should the loan be awarded. In deciding on proposals for loans, the president and board shall consider the wants and necessities of the various applicants, their incomes, size of their families respectively, the premium offered, &c.; giving a preference, always, in favor of the bidder having the largest family, least income, and who pays the highest rent. Where these conditions are equal, the preference shall be given to the members in class A or B who have paid the largest sum upon their stock.

§ 10. Whenever a loan shall have been awarded, the successful applicant shall pay the attorney's fee for examination of titles; also cost of writing and recording the deed and mortgage, the premium bid, [and] expense of insurance, if any. Interest upon all loans shall be computed at six per cent. per annum, payable semi-annually; and no loan shall be made for a less time than six months, nor a longer time than seven years.

1869.

§ 11. In the event that a surplus fund of one or more shares subject to loan should remain in the treasury on any regular loan day, and there should be no applicant therefor, the president and board shall have the power to invest such surplus fund in a manner which, in their judgment, will produce the greatest profit to the association. Whenever a loan is represented by a share of stock in grades A or B shall mature, or a stock shall not have been therefor assigned, the president and board, upon obtaining the assent of the debtor, may purchase the share of stock represented by such loan, and cancel a stock and debt, one as a set-off against the other, provided the stock has been fully paid up. In cases where loans mature, and the stock representing such loan has not been fully paid up, the loan may be renewed, or the stock may be purchased by the association at fair valuation. The difference between the debt and valuation shall be paid by the debtor. But in the event that these negotiations fail, and the mortgage is foreclosed, such foreclosure shall not abate any deficit remaining unpaid on the stock; the purchase and cancelment of the stock, as aforesaid, being perfected, such member shall still enjoy the right to subscribe stock in any grade, upon original terms herein set forth.

§ 12. It is declared that every one share of stock which has been fully paid up, and which shall be standing upon the books for the period of ten years after the date of subscription, and having never been accommodated with a loan, the owner of such share, his or her personal representative, shall be paid the full amount of such share in cash, together with a capital cash accumulations thereon upon demand, and thirty days' notice to the board. It is further provided, that, before awarding any loan, the president shall have the right to require, as a condition precedent, that the money so borrowed shall be invested in real estate or the improvement of real estate selected by the borrower, anywhere in Jefferson county, Kentucky, and suitable for a family home, the legal title of which real estate may be vested in the borrower or any member of his or her family. The right to transfer stock shall exist, and the title thereto shall pass by simple indorsement and delivery, as soon as such indorsement shall be recorded upon the transfer books, and the assignee shall undertake to make any

1869. subsequent payment that may thereafter become due thereon. Any stock transferred as aforesaid, upon which the assignor has theretofore obtained a loan, the transfer shall not enable the assignee to obtain a loan thereon.

§ 13. The board may, by resolution, authorize the transfer of the member's stock from one grade to another grade, upon such condition, not in conflict with these by-laws, as may seem just and proper. Each member of this association shall be bound under the charter and by-laws to give a preference in favor of other members, all things else being equal, for the purchase of grounds and building material, and all other business incidental to the association. No corporation patronage shall be extended by the association, its officers or employes, to any one save members, except transactions in which a member cannot be a party.

§ 14. An annual cash dividend upon the permanent capital stock may be declared annually, if, in the judgment of the board, it shall be deemed advisable and proper to do so. Should any member, or personal representative of a deceased member, at any time fail or refuse to pay any quota upon stock promptly, or neglect to comply with the terms of his or her subscription for the space of one month after payment falls due, such defalcation shall forfeit such stock to the association; but an equitable proportion, not exceeding eighty-five per cent. of the sum already paid upon such forfeited stock, shall be refunded to such defaulting member, his or her representative. In order to raise the sum so to be refunded as aforesaid, the forfeited stock shall be sold under the supervision of the president, secretary, and one member to be appointed by the board. The sum realized at such sale shall be refunded, not, however, to exceed eighty-five per cent.

§ 15. It is provided that a defaulting member, his or her representative, may be allowed, by resolution of the board, to restore any forfeited stock by payment of all arrearages, interest thereon, and one half of one year's call in advance. The right of a defaulting member, his or her representative, to restore forfeited stock, shall be, as far as is consistent with the rights of the punctual members, be protected by the president and board; but the circumstances surrounding each case shall influence their action thereon; and when definite action is taken, it shall be conclusive and binding.

§ 16. This act shall take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2138.

1869.

AN ACT to incorporate the Marble City Mining and Manufacturing Company, of Henderson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Arch. Dixon, Jackson McClain, John H. Barret, Wm. McClain, and Joseph Adams, their associates, successors, and assigns, shall be, and are hereby, created a body-politic and corporate, by the name and style of the "Marble City Mining and Manufacturing Company;" and by and in that name said corporation shall have power to contract and be contracted with, to sue and be sued, answer and be answered, plead and be impleaded, in all courts and places as a natural person forever; and to have and use a common seal, and to change the same at pleasure; and to make all necessary by-laws and regulations for the government of the company and the management of its business, not inconsistent with the Constitution and laws of this State and of the United States.

§ 2. The said company shall have power to purchase, lease, take, hold, acquire, and convey any real or personal estate, of any and every kind, in fee simple or otherwise, in Kentucky or elsewhere, and such mining privileges, rights of way, and other easements, as it may deem necessary or expedient for its business; it shall have power to dig, bore, mine, and in any other manner search for marble, coal, salt, iron, lead, silver, copper, and any other mineral products and deposits in the earth, and to smelt, refine, and manufacture any such products; to build warehouses, manufactories, and stores, and erect such machinery and apparatus as may be necessary to conduct the business of said company; to construct and operate one or more railroads, not exceeding thirty miles in length each, from any point on their lands to any other railroads, town, or navigable stream or canal, and pass over the lands of other persons, provided they shall obtain the consent of the owners by agreement; otherwise, said company shall proceed to condemn the same as now prescribed by the Revised Statutes of this State; to transport their products, minerals, and manufactures, and sell the same in or out of this State; to sell, convey, transfer, or assign all or any part or interest in said estate, corporeal or incorporeal, real or personal, and to exercise any necessary or proper powers to carry out the expressed powers granted by this act.

§ 3. The said corporation may borrow money, but not in excess of its capital stock subscribed, and may secure the same by mortgage on its real or personal property, or pledge of stocks or bonds or otherwise, and on such time

1869. as the president and directors, or a quorum thereof, may deem expedient.

§ 4. The capital stock of said corporation shall be two hundred and fifty thousand dollars, with the privilege to said corporation to increase the same to two millions of dollars by a vote of a majority of the stockholders, and shall be divided into shares of one hundred dollars each. The shares shall be personal estate, and transferable in the books of the corporation according to its by-laws; but the corporation shall hold a lien on the shares of any stockholder who may be indebted to it; and such shares shall not be transferred, without the consent of the president and directors, until such debt shall be paid or discharged. Each share of said stock shall entitle the holder to one vote at all elections of directors and at all meetings of stockholders. No stockholder shall be liable for any debts or engagements of the said company beyond the stock held by him.

§ 5. The said persons named in the first section of this act, or such of them as a majority shall appoint, shall act as commissioners to receive subscriptions of stock, and shall fix the time and manner of paying the same, and prescribe in the subscriptions what failure shall authorize a forfeiture of the stock subscribed for; and when not less than one hundred thousand dollars shall have been actually paid in, or secured to be paid on account of subscriptions to said capital stock, the said corporation may be organized and proceed to business.

§ 6. The business of said corporation shall be conducted by not less than five nor more than nine directors, who shall elect one of their number president. The persons herein named as corporators shall compose the first board of directors, who shall organize by choosing one of their number president; but no person shall, at any time, be president or director in said corporation who does not own at least one share of the capital stock, or who has not, in the first organization of said corporation, subscribed for at least one share of said capital stock. When a vacancy shall occur in the said board of directors, the vacancy shall be filled by the remaining directors, and the president and directors shall always hold their offices and serve until their successors are duly qualified. The time and manner of the election of the directors and officers shall be fixed by the by-laws, and also the number of directors necessary to make a quorum for the transaction of business; and the by-laws may provide for administering oaths and taking bonds from its officers and employes, to secure the faithful discharge of their duties.

§ 7. The president and board of directors shall have power to employ such officers and agents as may be nec-

essary and proper for the transaction of the business, and fix the salaries to be paid, and declare dividends out of the profits. They may, at any time, receive subscriptions of stock, and provide for the time and manner of paying the same. The office or principal place of business of said corporation shall be in the city of Henderson; but the president and directors may establish such branch offices, at such times and places, in or out of this State, as they may deem expedient for the successful prosecution of the business.

1869.

§ 8. That should any officer or employe of said company willfully and fraudulently make any false entry, or fail to make any correct entry, upon the book or books of said company, or to cheat or defraud said company, or any stockholder thereof, or other person, or shall convert to his own use any property, funds, money, or securities of said company, or other corporation or person, in the possession of said company, shall be deemed guilty of felony, and, upon conviction thereof, shall be confined in the penitentiary and jail of this Commonwealth for a term not less than one year nor more than ten years, and shall be liable to said company or party injured in a civil action for damages.

§ 9. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2140.

AN ACT for the benefit of William B. Craddock, former Sheriff of Hart County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William B. Craddock, former sheriff of Hart county, be, and he is hereby, allowed the further time of two years, from and after the passage of this act, to collect and distrain for all taxes, both revenue and railroad, and fee bills due him, and shall be entitled to all the rights and privileges which were allowed him by law in collecting said taxes at the time same were due: *Provided, however,* Said sheriff shall be subject to all the pains and penalties now provided and imposed by law for issuing, distraining for, and collecting illegal taxes and fee bills.

§ 2. This act to take effect from and after its passage.

Approved March 15, 1869.

1869.

CHAPTER 2141.

AN ACT to incorporate the Farmers' Protective Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

§ 1. That Dr. J. W. Holloway, Ambrose D. Collins, and Jonathan Sandusky, of Jessamine county; and Joseph E. McCoun, J. D. Helm, R. S. Gray, Benjamin F. Bohon, Judge S. Lyne, H. H. Ferguson, I. S. Overstreet, William Hamilton, John W. Arnold, L. H. Parrish, Ed. M. Wallace, and C. R. Greathouse, of Woodford county, be, and they are, together with their associates, successors, and assigns, hereby created a body-politic and corporate, by the name of the "Farmers' Protective Association;" and by that name shall have succession for thirty years; may contract and be contracted with, may sue and be sued, and may have and use a common seal, with power to break, alter, and renew the same at pleasure; to receive, lease, purchase, or otherwise acquire and own, hold, possess, occupy, enjoy, and control, in any manner whatever, such real, personal, and mixed property, goods, chattels, choses in action, and other things as may be deemed desirable, not exceeding two hundred and fifty thousand dollars; and may grant, bargain, sell, convey, or otherwise dispose of, as a natural person, any property, interest, or thing that may have been in any manner or way acquired by it; and said corporation shall have all other powers incident and usual to such corporations, provided they are not contrary to law. But nothing herein granted shall confer on this corporation any banking privileges.

May insure against loss by fire, &c.

§ 2. That said company shall have power to insure, in the manner hereinafter set forth, against loss by fire and other casualties, all buildings and dwellings, with the furniture and personal property therein contained, outside the limits of cities and towns, all grain and other products of the farm, whether the same be in store or in the stack, and also such buildings and other property in cities and towns as, from their location and structure, are usually considered safe, and taken at the same rates of insurance as buildings in the country. Each person who insures, or who holds a policy, shall be a member of said company, and his membership shall continue so long as he is insured, and no longer; and he shall be liable for the expenses and liabilities of the same to the amount of his insurance in the company; and there shall be a stipulation, printed or written plainly, in each policy, that the person assured shall be liable for and pay to the company such proportion of its expenses, liabilities, and losses, as his insurance bears to the full amount of insurance effected and carried by the company; but in making this proportion, if the liability be occasioned by loss, the insurance on the prop-

Each policy-holder member for company, &c.

erty lost shall not be included: *Provided*, That such other stipulations and conditions, not inconsistent with this charter, and contrary to law, may be embraced in the policies, which, if duly issued by the company and accepted by the assured, shall be binding on all parties.

1869.

§ 3. That any member may withdraw from said company by giving twenty-five days' notice of his intention of so doing, and by making application on the day designated in the notice to the secretary, and surrendering his policy; but he shall be liable for the full amount of the annual assessment for that current year, and for all liabilities and losses of the corporation up to the time of the withdrawal. The association may, in its discretion, cancel any policy and declare the same void; but the same shall not take effect until the next succeeding anniversary day on which the policy was issued, unless it be done for some breach of the conditions of the policy, or this charter, in which case it may be canceled at any time.

Members may withdraw.

Policies may be canceled.

§ 4. That whenever the company shall file with the clerk of the county court of the county in which the property mentioned in the policy is situated a memorandum, showing the amount of any insurance, and the person or persons insuring, and briefly describing the property insured, and the farm or lots on which it is situated, and shall pay to the clerk forty cents for recording the same, it shall be the duty of the clerk to record it, and a lien shall be created on the interest of the assured on the farm or lot and building thereon for the payment of his liabilities and indebtedness to the association.

Amount of insurance may be recorded by county clerk, &c.

§ 5. That the company may fix a scale of rates and levy annually, and collect from each person assured a sum not exceeding one half per cent. on the amount of his insurance, and if necessary, it may assess each person assured, and collect from him, whenever any loss or losses occur, his proportion of such losses. The time and manner of making these assessments and payments shall be fixed by the company. If any member shall refuse or fail to pay the annual or other assessment for fifteen days after having been notified so to do, the company may proceed in any court having jurisdiction to recover the amount assessed, with ten per cent. damages. If the assessment be for a loss, it shall be no defense to the action that the company has not paid such loss; but if it appear that the company is liable for the same, the action may proceed. The certificate of the secretary shall be *prima facie* evidence of a loss and its amount and the correctness of the assessment, as well as of the amount of the annual assessment, and that proper notice has been given. The notices to be given under any provision of this charter by

May fix scale of rates.

Manner of assessments, a failure to pay same, &c.

1869. the company may be sent by the regular mails, and shall be considered as served when they have had time to reach the post-office of the person on whom they are to be served and remain there five days. In case of a loss, the said notice shall show the amount of the loss and the name of the person sustaining the same. If the association proceed *in personam* against any delinquent without proceeding *in rem* in the same action, it may afterwards proceed and enforce its lien created as aforesaid. If the assured fail for thirty days after the notice to pay his assessment, the association shall have the right to forfeit and cancel his policy, and debar him from all rights and privileges in the company or its assets.

Who to conduct business.

Vacancies, how filled.

May make by-laws.

May appoint persons to receive proposals for insurance, &c.

Payment of losses.
To file statement of condition.

§ 6. That the business of this association shall be conducted by a president and a board of not less than five nor more than twenty directors; said board and directors to be elected annually, and at such times as may be fixed by the board, and to hold their offices until their successors enter on the discharge of their duties. The board may fill all vacancies of offices in the association, and appoint a president *pro tem.*, and may increase their number, by appointment, to any number not exceeding twenty; which appointees shall hold their offices till the next annual election, and until their successors are duly elected and qualified. They may also make such by-laws and rules, not contrary to law, as to them may seem expedient, and all policies shall be held subject to the same; and may create and appoint such offices and officers, and agents and servants, as to them may seem best, and may remove the same at pleasure. Any three of the corporators hereinbefore named may appoint some one of their number, or other person, commissioner to receive proposals for insurance; and whenever the aggregate amount of proposed insurance shall be seventy-five thousand dollars, it shall be the duty of the commissioner to notify each person of the times and place of an election, and to hold the same for the election of a president and five directors; and as soon as the same is done, the association may proceed to business.

§ 7. The association may have one hundred and twenty days, in which to pay any loss, from the time the necessary proof has been made out and presented. It shall be the duty of the company to file, once in every two years, in the office of the clerk of the county court, in the county in which its principal office is situated, a statement showing the gross amount of the expenses of the association, the amount of losses paid and remaining unpaid, and the gross receipts; and the county judge shall have the right to require it to file this statement in default of its so doing, and to compel the secretary to produce vouchers for all ex-

penditures exceeding seventy-five dollars. Trustees, married women, guardians, executors, and other fiduciaries, shall have power to insure in this association, and accept policies and bind themselves and the property held by them. Judges of county courts shall have power to insure the property of the county, and bind it by the provisions of the policy.

§ 8. This act shall take effect and be in force from and after its passage.

Approved March 15, 1869.

1869.

Who may insure.

CHAPTER 2142.

AN ACT to incorporate the Hanson Coal Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. Bradley, H. B. Hanson, Wm. Rankin, D. O. Day, J. T. Boyle, E. G. Sebree, and Rowland Gooch, and their successors, be, and they are hereby, created a body-politic and corporate, by the name of the Hanson Coal Company; to have succession of members until the first day of January, 1899; with the right and power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts; and may have a common seal, and alter and renew the same at pleasure.

§ 2. That the Hanson Coal Company, hereby incorporated, shall have the power, authority, and right to purchase, own, and hold any lands in this Commonwealth, not exceeding five hundred acres; and may, in addition thereto, purchase and hold the mining privilege on two thousand acres, and may sell and convey any portion of their land or mining privileges. The said coal company shall have the power and right to dig and mine for coal upon their lands, and sell the same when mined, and make contracts for sale and transportation of their coal to market.

§ 3. That the Hanson Coal Company may purchase and own their own cars and locomotives to transport their coal to market; and shall have the right to construct a railway from the Evansville, Henderson, and Nashville railroad to Green river, or the Ohio, and establish depots thereon, and connect their tracks with the said railroad on such terms as they may agree with the said railroad company; and they may procure the right of way by purchase, or proceed to condemn the same, as provided in the charter of the said Evansville, Henderson, and Nashville railroad company; and they may purchase and own any grounds for depots and offices and coal-yards, and may keep offices at

1869. the village or railroad station known and called Hanson, and in the city of Henderson.

§ 4. That the capital stock of the Hanson Coal Company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each; and the capital stock may be increased by the board of directors, with the consent of a majority in interest of the stockholders, to an amount not to exceed five hundred thousand dollars. Certificates of stock shall be issued and transferred in such manner as the by-laws of the company may prescribe; and the board of directors shall have power to make by-laws and rules for the management of the business of the company.

§ 5. The incorporators hereinbefore named are authorized to open books of subscription to the capital stock of the company, at such times and places, and on such notice, as they may deem proper; and so soon as the sum of ten thousand dollars is subscribed, any of the incorporators may give notice to the subscribers or stockholders, and proceed to elect a board of directors, who shall hold and continue in office for one year, or until their successors are elected by a majority in interest of the stockholders; and in all elections each share of stock shall represent one vote; and when the sum of ten thousand dollars is subscribed the company may organize and commence operations.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 15, 1869.

CHAPTER 2146.

AN ACT for the benefit of Woodford County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Woodford county, a majority of the magistrates concurring, be, and they are hereby, authorized to sell the poor-house in said county, and apply the proceeds of the sale thereof to the construction or purchase of a work-house in said county.

§ 2. Said work-house shall be under the control and management of the county court, who shall adopt such regulations therefor as may appear to them, from time to time, to be necessary.

§ 3. This act shall take effect from and after its passage.

Approved March 15, 1869.

CHAPTER 2147.

1869.

AN ACT legalizing certain acts of the Mercer County Court.

WHEREAS, The Mercer county court, at its October term, 1868, levied a tax of five cents on the one hundred dollars of taxable property in said county for county purposes; and whereas, at its March term, 1869, said court made an additional levy of five cents on the one hundred dollars of taxable property in said county for county purposes; and doubts arising as to the legality of said levies, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the action of the county court of said county in making said levies, and all acts done in pursuance thereof, be, and the same are hereby, legalized and made valid for all intents and purposes, as fully and completely as if said levies had been made in strict conformity to law.

§ 2. This act shall be in force from its passage.

Approved March 15, 1869.

CHAPTER 2148.

AN ACT for the benefit of Thomas M. Newman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer, in favor of Thomas M. Newman, for the sum of twenty dollars, being the amount expended by him in the arrest and transfer to the Hancock county jail of ——— Boyd, free man of color, charged with felony in the Hancock circuit court; said amount having been allowed the said Newman by the said court, but not paid by the Auditor, for the want of a proper order or requisition for the said arrest.

§ 2. And the State Treasurer is hereby directed to pay said amount on said warrant out of any money in the Treasury not otherwise appropriated.

§ 3. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2149.

AN ACT for the benefit of Jeff. C. Asher, Justice of the Peace in Caldwell County.

WHEREAS, It appears that the books belonging to the office of Jeff. C. Asher, a justice of the peace in and for Caldwell county, were destroyed during the late war; therefore,

1869. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Secretary of State shall forward to the said Jeff. C. Asher, justice of the peace as aforesaid, to care of the Caldwell county court, all the books to which justices of the peace are, under existing laws, entitled. And when the said books are received, the said county court shall certify the amount of freights and charges thereon to the Auditor; and the same shall be allowed as a claim against the State, and paid in the same manner in which claims against the State are usually paid.

§ 2. That this act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2150.

AN ACT for the benefit of John B. Jeup & Co.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer, in favor of John B. Jeup & Company, for the sum of eighty-four dollars, for advertising the Governor's proclamation ordering a special election for Congressman in the sixth district in August, 1868.

§ 2. This act to be in force from its passage.

Approved March 15, 1869.

CHAPTER 2151.

AN ACT incorporating the Kenton County Air-line Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate
name and pur-
pose.

§ 1. That a company is hereby created a body-politic and corporate, under the name and style of the Kenton County Air-line Turnpike Company, for the purpose of making a turnpike road from the intersection of the Bank Lick and Independence and Colemansville turnpike, or near said intersection, by the most eligible and direct route, to Covington, Kentucky, intersecting the Covington and Taylor's Mill Road turnpike company, at or near a point opposite the residence of J. E. Hamilton, or where said pike crosses a stream known as Holtz's Branch, with the right to cross said Covington and Taylor's Mill Road turnpike and the DeCourcey turnpike road company at any point in what is known as South Covington or "Tay-

lor's Bottom," or with the right to unite with either of said roads at any point within five miles of Covington, Kentucky, and go down their grade, upon such terms and conditions as may be agreed upon by and between the said Kenton County Air-line turnpike company and the said Covington and Taylor's Mill turnpike company and the said Covington and DeCoursey Creek turnpike road company.

1869.

§ 2. That the capital stock of said company shall be thirty thousand dollars, to be divided into shares of twenty-five dollars each. The books for the subscription of the stock shall be opened on the first day of April, 1869, at such place or places as said commissioners may direct.

Capital stock.

§ 3. That the following persons, or such of them as will act, are hereby appointed commissioners to open the books for the subscription of stock: Linas Hand, T. A. Wilson, J. D. Shutt, J. E. Hamilton, John S. Scott, Elijah McCollum, C. G. Wallace, John W. Finnell, George Hand, N. C. Morse, and Thomas Dempsey. That said commissioners shall open one or more books, and the subscribers shall sign an obligation in the form following: "We, whose names are hereto subscribed, do bind ourselves respectively to pay unto the Kenton County Air-line turnpike company twenty-five dollars for each share of stock set opposite our names, in such proportions and at such times as said corporation may determine."

Commissioners to receive subscription of stock.

§ 4. When five thousand dollars of said stock shall be subscribed, it shall be the duty of said commissioners, or such of them as will act, to give notice in writing of a meeting of the stockholders, at a place to be designated by said commissioners, for the purpose of organizing said company, by choosing officers, to consist of a president, secretary, treasurer, and five directors, and such others as they may deem necessary. Each stockholder shall be entitled to one vote for every share of stock he may hold.

Obligation of subscribers.

Officers to be elected, when & how.

§ 5. That the whole width of said road shall be forty feet, and the part covered by stone shall be sixteen feet; and that the grade, elevation, &c., shall be as the commissioners may direct. Gates on said road not to be less than four miles apart, where said corporation may determine.

Width and grade of road.

Gates.

§ 6. That said corporation shall have full power to sue and be sued, and to condemn any land that may be necessary through which to make said road as provided by law, and possess all the powers, authority, rights and privileges, and may do and perform all acts and things necessary for carrying on and completing said turnpike road, as well as lay out and locate the same, and subject to all duties, qualifications, restrictions, penalties, fines and forfeitures, if any. Said corporation shall have power

Corporate powers.

1869. to fix tolls and collect the same; but the tolls collected shall in no case exceed those now collected by the Bank Lick turnpike road company.

§ 7. This act to be in force from its passage.

Approved March 15, 1869.

CHAPTER 2152.

AN ACT for the benefit of Johnson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State is hereby empowered and directed to furnish the county court and circuit court clerks' offices of Johnson county with such books as by law they are entitled to according to the provisions of chapter sixty-one of the Revised Statutes and the several acts amending the same and supplementary thereto (which books are missing from their offices, having been destroyed by armed soldiers), when a list or catalogue, signed by the clerk or clerks of said courts, shall have been filed in the office of the Secretary of State, showing what books are missing from the said offices in said county.

§ 2. If necessary, the Secretary of State shall purchase the said books, and report the cost of same to the Auditor, who shall draw his warrant upon the Treasurer for payment of same, and the Treasurer shall pay the same out of any money in the Treasury not otherwise appropriated.

§ 3. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2154.

AN ACT to incorporate the Beargrass Beef and Pork Packing and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James M. Duncan, W. C. Hall, R. H. Waggener, Robt. Floyd, I. L. Hyatt, John M. Haden, Vene P. Armstrong, R. G. Burton, Henry G. Phillips, Jno. T. Bunch, Saml. L. Geiger, and their successors in office, be, and are hereby, constituted a body corporate, under the name and style of the "Beargrass Beef and Pork Packing and Manufacturing Company;" and by that name said company may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth and elsewhere; and shall have and exercise all the powers and

privileges incident or belonging to corporations, which may be necessary for the transaction of its business and the accomplishment of the objects of its creation. 1869.

§ 2. The parties named in the first section of this act shall be a board of directors for said company until the first day of October, 1870. The first meeting of said board shall be held during the present year, or during the terms of office of the said members; for which meeting, notice shall be given in one of the Louisville daily newspapers, by any member of the board. The board shall thereafter meet as they may determine by their by-laws. If any of the persons hereinbefore named should decline to serve, the vacancy may be filled by the remaining members. The board shall elect from its number a president and a secretary, who shall also act as treasurer of the company. It may also provide for such other officers as may be deemed expedient; and all the officers shall execute such bonds as the board may require for the faithful discharge of their duties; be subject to removal at the pleasure of the board, and perform all the duties, and receive such salaries, as the board may prescribe. Upon the expiration of the terms of office of the board herein constituted, an election for their successors shall be held at the office of the company for a new board of like number, after public notice of at least ten days in some newspaper published in Louisville. At all elections for members of the said board, each stockholder shall be entitled to one vote, in person or by proxy, for each share of stock subscribed by him or her; but the board of directors may change this rule, provided such rule be equal and uniform as to all stockholders. After the first election of a board, each member shall remain in office for one year from the date of election. The board may fill all vacancies.

§ 3. The capital stock of said company shall be two hundred and fifty thousand dollars, but may be increased by the board to five hundred thousand dollars. When the whole of the stock is subscribed, and twenty-five per cent. thereof is paid in, the company may commence business. The board may prescribe when and in what mode the subscriptions of stock shall be made and paid, and when the whole capital stock must be paid up; and they may also prescribe when said stock shall be forfeited to the company for any failure to pay the same, or any call thereon, upon notice from the board: *Provided, however,* No stock shall be thus forfeited upon less than thirty days' notice given by the board to the subscriber.

§ 4. The business of this company shall be the purchasing, slaughtering, and packing of beef cattle and hogs, the purchasing of lard, grease, and other beef and hog pro-

1869. ducts, and curing the same; also the manufacturing of lard, oil, soap, candles, and any commodity which can be manufactured from the product of hog and beef cattle; also the manufacturing of barrels, boxes, cooperage, and other things which may be used in or about said business. Said company may purchase or sell, by agents or commission merchants, hogs or beef cattle, or the product of same, either in its raw or manufactured state, in the city of Louisville or elsewhere; and may also deal in any articles connected with said business of packing and manufacturing; may borrow money, payable on demand.

§ 5. The principal office of said company shall be in Louisville.

§ 6. Said company may receive subscriptions of stock in real estate or money, and upon such terms as they may deem proper. It may, by order of said board, invest, not exceeding one half of its paid in capital and reserved profits, in real estate or otherwise, as it may be deemed best. On the first day of October in each year said board shall prepare a balance sheet, showing the exact condition of the company; a printed copy of which shall be delivered or sent by mail to each stockholder.

§ 7. The shares of stock shall be one hundred dollars each, and be deemed personal property, and transferable on the books in person or by proxy, and no stockholder shall be a director in the company unless he owns in his right at least twenty-five shares of stock.

§ 8. The board of directors may annually declare and pay such cash dividends to its stockholders as it may deem proper, always reserving not less than twenty per cent. per annum of its profits, until its reserve fund shall reach twenty per cent. of its capital. No part of the capital shall, at any time, be taken to pay dividends.

§ 9. This corporation shall remain in existence for twenty-five years, unless sooner dissolved by a vote, at a meeting called for that purpose by the board, of two thirds of its stockholders.

§ 10. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2155.

AN ACT to incorporate the Central Savings Bank, of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas H. Crawford, Clark O. Smith, R. S. Millar, H. J. Monach, J. H. Sullivan, William Gaulbert, V. Overall, William Judah, and D. E. Starks, together with their associates, successors, and assigns, be, and are hereby,

Corporators' names, and corporate powers.

created a corporation and body-politic, under the name and style of "The Central Savings Bank of Louisville," and shall continue until the first day of January, 1899; and by that name may sue and be sued, contract and be contracted with; make, have, and use a common seal, and the same to break, alter, and renew at pleasure; may purchase, hold, use, sell and convey, all such real and personal property, including public and private securities of all kinds, necessary and requisite to carry out its legitimate purposes and objects of its creation.

1869.

§ 2. The capital stock of said corporation shall not exceed one million of dollars, and shall be divided into shares of one hundred dollars each.

Capital stock.

§ 3. The corporators named in this act, or any three of them, at such times and places as may suit their convenience, may open books for, and receive subscriptions to, the capital stock; and when one thousand shares or more have been subscribed, and five dollars on each share paid in, the stockholders shall meet and elect seven directors, each of whom shall be the owner of at least ten shares of the capital stock, and who shall serve to the second Monday of January, 1870, and until their successors shall be duly elected and qualified.

When to open books.

§ 4. The annual meeting of the stockholders for the election of directors shall be held at its banking-house, on the second Monday of January of each year, under the direction of three stockholders, who shall have been appointed by the directors for that purpose. Such election shall be by ballot, and by a plurality of votes of the stockholders and their proxies, allowing one vote for each share of stock represented. The same rule of voting shall apply to all questions submitted to the stockholders. Should an election for directors, from any cause, fail to be held on the day herein designated, the corporation shall not, from that cause, be dissolved; but any and all elections held subsequently thereto, by competent authority, shall be deemed valid, and so held.

Annual elections, when & how held.

§ 5. The board of directors shall annually elect one of their number president, and fix his salary. They shall also elect or appoint, and dismiss at pleasure, a cashier, and such clerks, officers and agents, or servants, as they may deem necessary to conduct the affairs of the institution; fix their salaries, prescribe their duties, and, at their option, require and receive bonds, with security, for the faithful performance of their duties. The directors shall hold stated meetings at least once a week, and called meetings whenever deemed necessary; and shall keep a full and complete record of their proceedings. They shall have power to make and change all necessary by-laws, rules and regulations, for the government of the corpora-

President, a cashier, &c., to be elected.

Directors to hold stated meetings.

May make by-laws.

1869. tion; prescribe the terms on which deposits may be received and paid; direct the manner in which the capital stock shall be paid in and transferred. In the temporary absence of the president, the board may elect a president *pro tem.*, who shall, during said absence, perform the duties of the president. Vacancies in the board may be filled by the vote of those remaining in office. A majority of the board shall be a quorum to do business.

President.
pro tem.

Quorum.

Annual state-
ment of condi-
tion to be made.

§ 6. The directors, at the annual meeting each year, shall submit to the stockholders an accurate statement of the condition and affairs of said institution. They may also make such dividends, semi-annually, as they may deem proper, out of the net earnings; but in no event shall the capital stock be diminished for that purpose; and before making any dividend, one tenth of the net earnings shall be carried to the surplus fund, until it shall amount to ten per cent. of the capital stock paid in.

How stock
voted.

§ 7. There shall be paid in, at the time of subscribing to the capital stock, to said corporators, the sum of five dollars on each share subscribed for; and after the election of directors, calls shall be made on each subscription, by the board of directors, for at least one dollar per week on each share, until all is paid: *Provided*, That on stock subscribed for after the organization, the first payment may be required to be equivalent to the amount paid in on the stock subscribed for at the organization. If any subscriber to said capital stock shall fail or refuse to pay his, her, or their calls for thirty days after the same is due, interest shall be charged on said calls from the time the same is due until paid; and if any calls shall remain unpaid for six months, the same, with the accruing interest thereon, may be recovered by suit in any court of record in this Commonwealth having jurisdiction thereof. Said institution shall have a lien on the stock owned by any stockholder for the payment of any debt due and owing, or any liability that may become due and owing to it by said stockholder, before any other creditor. No stockholder whose obligation is past due and owing shall be permitted to vote at any election held by the stockholders.

Business of
corporation.

§ 8. The business of this institution shall be to receive on deposit gold, silver, bank notes, and other currency, and loan out the same; to deal in gold and silver coin, bullion, bills of exchange, stocks, or other securities of this or any other State, or of the United States, or any other evidence of debt; to receive promissory notes by assignment as security for money loaned; discount and purchase promissory notes and bills of exchange, payable at said institution, or any other place; and do all other acts a bank may do, except to issue notes to circulate as money. All bills of exchange and promissory notes made payable at said

institution, or at any other banking institution or place, discounted by or sold to it, shall be placed on the footing of foreign bills of exchange, and remedy may be had, jointly and severally, against the principals and sureties, drawers, acceptors, and indorsers, or any one or more of them: *Provided*, That none of the parties to said bills or notes shall be held liable to damages as on a foreign bill of exchange.

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§ 9. The said corporation shall receive on deposit, during banking hours, any sum of money not less than fifty cents; and minors and married women may make deposits and control the same. Such deposits shall be paid to each depositor at such times, and with such interest, and under such regulations, as the board of directors shall, from time to time, prescribe; such regulations shall be put up in some public and conspicuous place in the room where the business of said institution shall be transacted, and shall not be altered so as to affect any one who may be a depositor previous to such alteration, as to any sum of money on deposit at the time such alteration is made.

May receive
deposits from
married wo-
men, minors,
&c.

§ 10. The cashier, clerks, and all other subordinate officers and agents of said institution, shall give such security for their fidelity and good conduct as the board of directors may, from time to time, require; and the said directors, and all the officers of said institution, before entering upon the duties of their respective offices, shall take an oath or solemn affirmation, before some officer authorized to administer oaths, faithfully, honestly, and impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices under this charter, or which may be required of them by the by-laws, rules and regulations, of the corporation.

Cashier and
other officers to
give security.

§ 11. It shall not be lawful for the president or any director to become bound as surety, or accommodation indorser, on any note or bill discounted by said institution.

President, &c.,
not to become
indorser in said
bank to pay
State tax.

§ 12. It shall be the duty of the president, on the first day of January of each year, to pay into the treasury fifty cents on each one hundred dollars [of] stock held and paid for in said institution, which shall be in full of all tax or bonus, and be a part of the Sinking Fund of this Commonwealth.

§ 13. This act shall take effect from its passage.

Approved March 15, 1869.

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CHAPTER 2156.

AN ACT to increase the resources of the Sinking Fund of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There shall be added to the present resources of the sinking fund of said city the stock owned by her in the Louisville Water-works Company," also an annual tax of forty cents on each one hundred dollars' worth of such real and personal property as may be taxed for city purposes in said city, to be levied and collected in cash as herein provided.

§ 2. The general council shall, in the month of April or May, 1869, and in one of the months in each succeeding year thereafter, levy a tax of forty cents on each one hundred dollars' worth of such real and personal property as may be taxed for city purposes in said city, which shall be styled the "Sinking Fund Tax," and shall be in lieu of all taxes now levied for the payment of the bonded debt of the city, other than that required to be levied for the payment of the bonds issued to the Elizabethtown and Paducah railroad company. This tax shall be assessed, levied, and collected in the same manner, and with the same penalties, as other taxes of this city are assessed, levied, and collected.

§ 3. The bonds of the city now issued, or authorized to be issued by existing laws, and which may be issued prior to the first day of July, 1869, except the bonds issued to the Elizabethtown and Paducah railroad company, shall be a charge on the sinking fund.

§ 4. The sinking fund shall be under the control and management of the commissioners of the sinking fund, and shall be held and sacredly used for the payment of the principal and interest of said bonded debt. The resources of the sinking fund shall not be diminished, but may be increased by the general council, nor shall any other bonds, or the interest thereof, be charged upon said fund unless provisions are made for the payment thereof at the time of the charge, sufficient, in the opinion of the commissioners, to pay the same.

§ 5. The commissioners of the sinking fund, a majority thereof concurring, shall appoint, at a salary not exceeding twenty-five hundred dollars per annum, a suitable person who shall act as treasurer and secretary of the board, and be the chief license inspector, who, before entering upon his duties, shall be confirmed by the board of aldermen, and shall execute a bond to the commissioners and their successors, with good and sufficient surety, to be approved by them, to faithfully perform his duties, and faithfully account for all moneys, notes, bonds,

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stocks, or other things of value that may come to his hands or control, and upon such bond recovery may be had for any breach of the conditions thereof; and said treasurer and secretary shall take an oath before a proper officer to faithfully discharge the duties of his office. His term of office shall be two years, and until his successor is qualified; and all vacancies occurring during the time shall be filled by the appointment of said commissioners. He shall keep a true and correct record of all proceedings of the board of commissioners, receive and disburse all moneys by order of the board, and keep a true and correct account thereof, superintend the issuing of licenses, and receive the money therefor, and perform all other acts required of him by said board; he shall account for all moneys, bonds, stocks, notes, and any other thing of value belonging to the sinking fund that may come to his hands or control; and if he shall appropriate to his own use any funds, money, or other property belonging to said sinking fund, or shall fail or refuse to surrender any books, papers, moneys, bonds, stocks, notes, or other thing of value, to his successor in office, or to any person legally entitled to receive the same, he shall be deemed guilty of embezzlement, and be punished as provided in article 12, chapter 28, of the Revised Statutes: *Provided, however,* That the treasurer of the city of Louisville shall not be elected or act as treasurer and secretary of the board of commissioners of the sinking fund.

§ 6. The commissioners of the sinking fund, a majority of them concurring, may appoint as many assistant inspectors as they may deem necessary for an efficient collection of licenses, who shall be paid out of the sinking fund; but none of their salaries shall exceed one thousand dollars per annum. The appointment of assistant inspectors shall be confirmed by the board of aldermen, and they shall hold their offices for one year, and until their successors are qualified. Before entering upon their duties, they shall take an oath before a proper officer to faithfully perform their duties, and shall execute bonds to the commissioners of the sinking fund, to be approved by them, in such an amount as they may require, to faithfully account for all moneys and other valuable things that may come to their hands or control, and pay over the same, and that they will perform all the duties of their office.

§ 7. The sinking fund shall not be liable for any part of the salaries of the mayor, auditor, assessor, or city treasurer, and the general council shall have no power to appropriate in any one year, for the repairs and improvement of property belonging to the sinking fund, an amount which shall exceed fifteen per cent. of the net annual income arising from wharves, market-houses, and

1869. licenses. The net income arising from such sources for the preceding year shall be the criterion for ascertaining said per centum. Neither the property nor the income belonging to the sinking fund shall be assessed for city taxation.

§ 8. The commissioners of the sinking fund may provide suitable offices for the treasurer and license inspectors, and pay for the same out of the income of the sinking fund.

§ 9. The sinking fund shall be entitled to the unclaimed stock subscribed and paid for by the city of Louisville in the Louisville and Nashville railroad company, prior to January, 1864, subject to the right of the holders of the tax receipts to claim the same within one year from the passage of this act, after which time their right shall be barred.

§ 10. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2157.

AN ACT to incorporate the Louisville, Henderson, and Paducah Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Dr. Foss, Alanson Moorman, Henry J. Graycroft, A. F. Camp, Philip Miller, Robert Stonestreet, Weeden Stewart, W. George Anderson, Dr. R. C. Hewitt, F. S. J. Ronald, G. Spratt, Lyttleton Cooke, E. D. Standiford, and Geo. W. Anderson, of Louisville and Jefferson county; Richard M. Wathen, Thomas J. Jolly, Peter Dent, Thomas Adkisson, Green W. Beard, S. V. R. Board, Frank Fraize, G. P. Jolly, J. B. Bruner, William Withers, G. P. Duncan, Sowers Dean, John Dean, William J. Robertson, and Thomas O. Moorman, of Breckinridge county; H. K. Pusey, Mack Meadow, James Thompson, Gus Graham, William Sterrett, O. C. Richardson, G. W. Anderson, Abraham Chick, and McGill Robertson, of Meade county; George W. Williams, Stephen Vowels, James W. Snider, William Sterrett, James W. Snider, Minor E. Pate, Wormsley S. Gibbs, and James Mason, of Hancock county; John H. Barrett, R. T. Glass, W. J. Marshall, P. H. King, J. C. Stapp, J. H. Priest, James Alves, Isom Johnson, Andrew Kohl, Harrison Hancock, Henry Dixon, sr., and Harrison Powell, of Henderson county; R. A. Spalding, George N. Proctor, John Payne, Ben. Compton, Hugh McElroy, Leonard Clements, S. P. Spalding, John S. Geiger, D. H.

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Hughes, John F. Cromwell Gip Taylor, A. G. Robertson, I. A. Spalding, William C. Hammer, Alfred McGill; Chas. Smith, J. L. Cambron, John M. Dyer, William P. Tucker, and Hugh Nunn, of Union county; John Nunn, Otho Nunn, John W. Blue, Bart. Moore, William Wallace, Sinc. Hodge, and James Cruce, of Crittenden; C. W. Bennett, W. P. Fowler, Blunt Hodge, Sam. Piles, and Dr. Carson, of Livingston; L. M. Flournoy, Gabe Kay, Gabe Robb, Thomas Grundy, J. M. Bigger, John C. Noble, L. D. Husbands, John Q. A. King, and J. W. Thompson, of McCracken county; Josiah Veach, Daniel Griffith, Ben. F. Ramsey, George Mattingly, John G. McFarland, Horace Burton, and Henry Vanover, of Daviess county, be, and they are hereby, created a body-politic and corporate, by the name and style of the Louisville, Henderson, and Paducah Railroad Company, for the purpose and with power to construct a railroad, with double or single track, between those points; and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; and may have and use a common seal, and change and alter the same at will. And said company shall have all other rights, powers, and privileges usual and incident to corporations; and may do such other acts and things as may be convenient and necessary for carrying out the purposes of this act, provided the same are not contrary to law.

§ 2. All rights, privileges, powers, and franchises expressed, stipulated, and contained in the act incorporating the Elizabethtown and Paducah railroad, approved March 5th, 1867, and the amendments thereto, approved February 24th, 1868, be, and the same are hereby, extended to and conferred upon the said Louisville, Henderson, and Paducah railroad company, as fully, to all intents and purposes, as if the same were specifically set out and embodied herein: *Provided, however,* That no question of taxation for the purposes of building said road shall be submitted to a vote of the people of any county, town, or district, oftener than twice in any one year.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 15, 1869.

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CHAPTER 2158.

AN ACT to incorporate the People's Stove, Grate, and Mantel Manufacturing Company, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. H. Cochran, Joseph Hacket, Philip Speed, George K. Speed, U. E. Ewing, and Edward Fulton, their associates, successors, and assigns, be, and they are hereby, constituted a body-politic and corporate, by the name and style of the "People's Stove, Grate, and Mantel Manufacturing Company," and by that name shall have perpetual succession; and may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places, as a natural person; and may have and use a common seal, and change or alter the same at will; and said company shall have such other rights and powers as are usual and incident to corporations, and that may be desirable and necessary for carrying out the objects for which it is created, and for the efficient management of its business and affairs.

§ 2. Said company is created and established for the purpose of, and it is hereby fully authorized and empowered to engage in the, manufacturing and buying and selling of stoves, grates, mantels, castings, and other things; and to that end it may lease, purchase, or otherwise acquire, all such real and personal property, goods, wares, and merchandise, as may be requisite and desirable for the successful carrying on and conducting its business; and shall have the same rights of ownership, and may grant, bargain, sell, and convey the same, in all respects and in any manner that a natural person may do.

§ 3. The property, business, and affairs of said company shall be managed, governed and controlled, by a board of three or more directors, as the by-laws may prescribe, to be chosen by the stockholders from amongst their own number, who shall hold their offices for one year, and until their successors are elected and qualified. The directors shall have power and authority to make all such by-laws, rules and regulations, for the management and government of the property, business, and affairs of said company, as they may deem proper, and alter, amend, and repeal the same at will. They shall prescribe in the by-laws the time of holding annual elections of directors, and they may fill all vacancies occurring in the board between annual elections. They may elect, appoint, or hire such officers, agents, and employes as they may desire, and pay them such salaries and wages as they may agree; and they may do all other acts and things requisite and necessary to be done in the premises. A majority of the board of directors shall constitute a quorum for the trans-

action of any business, unless it has been otherwise ordered in the by-laws. 1869.

§ 4. The capital stock of said company shall be fifty thousand dollars, but the same may be increased by the directors to two hundred thousand dollars, in shares of fifty dollars each.

§ 5. The persons named in the first section of this act, or any three of them, may open books for, and receive subscriptions to, the capital stock of said company, at such times and places, and subject to such terms and conditions, as they may deem proper; and whenever one thousand shares shall have been subscribed, they may call a meeting of the subscribers, at some suitable time and place, for the election of a board of directors, who, when elected, shall organize by electing one of their own number president of the company. And when said board of directors shall have been elected, and shall have organized, the said company may proceed to business, and shall be entitled to have and exercise all the rights, powers and privileges, conferred by this act.

§ 6. At all stockholders' meetings each stockholder shall be entitled to one vote for each share of stock he or she may own, and may cast the same in person or by proxy. The shares of said company shall be deemed personal estate, and shall be transferable on the books of the company, in accordance with the provisions of its by-laws; but the said company shall have a prior lien on the shares of any stockholder who may be indebted to it; and the same shall not be sold or transferred, without the consent of the company, until the debt is paid or discharged.

§ 7. This act shall be in force from and after its passage.

Approved March 15, 1869.

CHAPTER 2159.

AN ACT to incorporate the Henderson and Hartford Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. D. Walker, Alex. Baird, H. D. McHenry, Wm. H. Miller, J. C. Townsend, W. S. Barrett, J. P. Barrett, John T. Jackson, Isaac Calhoun, R. C. Moseby, Ben. Johnson, D. Little, H. Griffith, A. D. Cosby, G. M. Priest, R. J. Beverly, Robt. T. Glass, G. W. Bailey, Thomas Jackson, and J. T. Boyle, be, and they are hereby, created a body-politic and corporate, by the name of the "Henderson and Hartford Railroad Company," with all the powers and authority incident to corporations, and such as are vested and created by this act; and shall have perpetual

Corporators' names, &c.

1869. succession of members, by the name and style of the Henderson and Hartford railroad company.

Route of road.

May build bridge across Green river.

§ 2. That the Henderson and Hartford railroad company is hereby authorized and empowered to construct and operate a railroad from Springdale or Sulphur Springs, on the Evansville, Henderson, and Nashville railroad, or any other eligible or convenient point on said railroad, with single or double track and turnouts, through McLean, county, and the town of Calhoon, into Ohio county, to the town of Hartford or its vicinity, and thence to a point to form a junction with the Elizabethtown and Paducah railroad; and the said company are authorized to build and construct a bridge over and across Green river, at such point as they may cross the same, on the same terms, and under the same limitations and conditions, prescribed in the charter of the Elizabethtown and Paducah railroad company's charter.

Corporate powers.

§ 3. The said company, in and by their corporate name of the "Henderson and Hartford railroad company," may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts, with power to acquire, hold, and use, all such real estate, and fixtures and personal estate, as shall be necessary to construct and operate their railroad; and they may have, adopt, and use a common seal, and alter and renew the same at pleasure; and shall have, use, and enjoy all the rights and powers and privileges which other railroad corporations in this State may lawfully have, enjoy, and exercise.

Capital stock.

May receive subscriptions payable in land

§ 4. The capital stock of the Henderson and Hartford railroad company shall be one million (\$1,000,000) of dollars, divided into shares of one hundred dollars each, and be issued and transferred in such manner as may be prescribed by the board of directors in the by-laws of the company. The Henderson and Hartford railroad company is authorized to receive subscriptions of stock, payable in land, and receive conveyances for same, which may be sold and conveyed by the company for its use and benefit.

Who to manage affairs of company.

First board of directors.

§ 5. The business and affairs of the said company shall be managed by a board of directors, consisting of seven members, each of whom shall be a stockholder, one of whom, chosen by a majority of them, shall be president of the company. The first board of directors shall consist of seven of the incorporators named herein, in the first section of this act, to be chosen by a majority of the incorporators, who shall, by subscription, become stockholders. The directors so chosen to be, at the time, stockholders. If any of the incorporators herein named refuse or fail to act, then a majority of the others may act.

After the election of the first board of directors, if any of them refuse to act, or resigns, or fails to serve, a majority of the others may fill the vacancy by electing some other stockholder; and the board of directors may fill all vacancies happening by death, resignation, or otherwise, in their board. The said incorporators, or any of them, or the board of directors, or any of them, may open books of subscription to the capital stock of the said company, at any time or place, with or without notice; and the same shall be binding on the company and the parties thereto. The company may organize so soon as a majority of the incorporators herein named become stockholders, and choose from their number the first board of directors; and thereafter, so soon as one hundred thousand dollars (\$100,000) shall be subscribed, notice shall be given by the directors, or any one of them, of the time and place of holding an election for another board of directors, who shall be chosen by a majority in interest of the stockholders, to serve one year, or until their successors are elected. Whenever the sum of one hundred thousand dollars or more shall be subscribed, the company may begin the work of construction, and continue to solicit and receive subscriptions to the capital stock until the whole amount of capital shall be subscribed.

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Vacancies,
how filled.

May open
books for sub-
scription of
stock.

When may
organize, &c.

When may
commence work

§ 6. That the said company may take, by gift or purchase, or in payment of subscription, and hold in fee simple, any lands or personal property necessary for said road and its appurtenances, or necessary in the construction or operation of said road, or for offices, depots, stations, warehouses, machine-shops, or for procuring stone or timber; and may sell and convey any excess of real estate they may hold.

May take by
gift, &c.

§ 7. That all lands for right of way, depots, stations, and other necessary purposes for said railroad, may be acquired by gift or contract, or may be acquired as provided in sections five (5), six (6), seven (7), and eight (8), of an act, entitled "An act to amend the charter of the Louisville and Frankfort railroad company," approved March 24, 1851; and said sections are made part hereof.

Certain sec-
tions of another
charter made
part of this.

§ 8. The board of directors of the said railroad company, or a majority of them, by the consent of a majority in interest of the stockholders, shall have power to borrow a sum of money not exceeding one million of dollars, at a rate of interest not exceeding eight per cent: per annum, and may issue the bonds of the said company, signed by the president of said company and attested or countersigned by the secretary thereof, under the corporate seal, and may pledge and mortgage or convey in trust the said road and any other property the company may have or may afterwards acquire, including right of way, road-bed, rails,

May borrow
money, &c.

1869. ties, rolling stock, and all other property, real and personal, owned by the company, together with their franchises, rights, and effects, to secure the payment of the money so borrowed; and to render the same effectual, may convey the same in trust to such person or persons as they may designate, to be held in trust, and sold to secure and pay the money so borrowed, and the interest thereon.

Counties, cities, towns, &c., may take stock; proceedings in relation thereto.

§ 9. That it shall be lawful for the counties of Webster, McLean, Ohio, and Henderson, or any of them, or of any towns or cities or civil districts in said counties, to subscribe to the capital stock of the Henderson and Hartford railroad company such sums as they may decide on; and upon application of the said company to the county judge of any of the said counties, it shall be the duty of the said judge, or the trustees of any town, or the mayor and council of any city, within thirty days thereafter, to cause a vote of the legal voters of such county, city, town, or civil district to be taken at the several places for voting at general elections, to ascertain whether the legal voters of such county, town, city, or civil district are in favor of making such subscription to the capital stock of said railroad company. It shall be the duty of the judge of said county, or trustees of a town, or mayor and council of a city, to cause at least twenty days' notice to be given of the day on which such vote will be taken, and of the terms of the proposition for subscription, and amount proposed to be subscribed; and this notice shall be published in one or more newspapers, if any, in the county, and published in handbills and posted at the court-house and clerk's office, or such other places as the judge in his order may direct; and the said judge, trustees, mayor and council, shall appoint judges and clerks of the election, whose duty it shall be to conduct the election, and make due and faithful returns of the polls thereof to the office of the clerk of the county court, and conduct the same as general elections are conducted, and make returns of the election within ten days after such election shall have been held to the county judge, trustees of such town, or mayor and council of such city.

Vote to be entered of record.

§ 10. That after the said election, and so soon as the polls have been returned, the county judge shall hold his court, or the trustees of such town or mayor and council shall hold meetings, and the poll-books shall be examined by the judge or trustees, or mayor and council, and the vote for and against said subscription shall be entered of record upon the record books of said county court, or of said trustees or of said city council.

Counties, &c., to issue bonds, & deliver them to company, &c.

§ 11. That if at any such election a majority of the legal votes cast at such election shall be in favor of such subscription being made, it shall be the duty of the county

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judge of the county court, or the trustees of said town, or the mayor and council of said city, forthwith to make such subscription to the capital stock of the Henderson and Hartford railroad company, in the name of said county, or town, or city, or civil district; and if the said subscription is to be paid in the bonds of said county, or town, or city, then the bonds shall be issued for the county, signed by the judge of the county court, attested by the clerk, under the seal of the county, or by the chairman or president of the board of trustees, attested by the clerk thereof, if any, or by the mayor of said city, attested by the clerk; and if the subscription is to be paid by a tax to be levied on the taxable property within such county, town, city, or civil district, the judge of the county, trustees of the town, or mayor and council, shall proceed to collect the tax by the sheriff, marshal, or collector of tax, or person appointed for that purpose. Where the subscription is to be paid in bonds, the bonds shall not run for a longer period than thirty years, and shall not bear a greater interest than ten per cent.; and the interest shall be payable semi-annually, at such place as may be named. The bonds, when executed, shall be delivered to the railroad company, or its officers and agents authorized to receive them; and the money, when collected, shall in like manner be paid to the railroad company. Certificates of stock shall be delivered by the company, when the bonds are delivered, or when the money is paid, where the subscription is to be paid in money; and the county court, trustees, mayor and council, of any such county, town, or city, that may subscribe for stock in said railroad, and issue bonds to pay the same, are hereby authorized, and it is made their duty, to assess and levy a tax on the taxable property within such county, town, or city, taxable under the revenue laws of this State, a sum sufficient to pay the semi-annual interest on such bonds as they may issue, and the cost of collecting the same; and at the maturity of said bonds, a tax in like manner that will pay the interest of said bonds. The county courts, trustees, mayor and council, of said counties, towns, and cities, are authorized to enforce the collection of said railroad tax as other taxes, and appoint collectors, or require the sheriffs to collect the tax, and take such bond from them as they may prescribe.

Tax may be levied to pay same.

§ 12. The president and directors shall, as often as once every year, render a full statement of the condition, affairs, and business of the company to the stockholders; and shall make dividends of any profits made by the company; and may make all by-laws to regulate the management of its affairs, and fix salaries of all officers and employees.

Annual statement to be made.

1869. Rates of charges, &c. § 13. That the Henderson and Hartford railroad company are authorized to receive such tolls, fees, tariffs, and rates of charges as are or may be allowed to be charged, received, and collected by the Louisville and Nashville railroad or the Lexington and Frankfort and Louisville and Frankfort railroad companies; and said company shall pay such taxes as other railroad companies in this State; but no tax shall be required to be paid until the company shall have completed their road.

§ 14. The said railroad company shall not be allowed any banking privilege, and shall not issue bonds or notes to be circulated as money or bank notes, nor authorize any lottery privileges whatever.

How road may be extended. § 15. That in order to extend said railroad to the Ohio river, at some point in Union county, be it further enacted, the said company hereby created, together with Samuel P. Spalding, Thomas S. Chapman, Thomas Conway, Geo. W. McClure, I. A. Spalding, Gip. Waller, and D. H. Hughes, are authorized to construct and operate a railroad from Sulphur Springs, Springdale, or some point near thereto, on the Evansville, Henderson, and Nashville railroad, to a point in Union county, Kentucky, opposite Shawneetown, Illinois, or to some point in Union county on the Ohio river, between the ferry at Shawneetown and Uniontown, said terminus to be determined on by the directors; and may apply to Union county, or any town or election precinct therein, for subscriptions to said railroad, in the same manner provided for applying to the other counties, towns, &c., named in said bill; and the provisions of this act shall apply to these additional corporators, and to the road authorized to be constructed under this section.

§ 16. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2160.

AN ACT for the benefit of G. R. Hunt, B. D. West, Lyttleton Cooke, P. H. Leslie, R. Taryin Baker, and Howard Todd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasury in favor of G. R. Hunt for fifteen hundred dollars, the sum allowed him for his services as clerk to the committee appointed to investigate and report the condition of insurance companies. That he draw his warrant upon said Treasury in favor of B. D. West for one hundred and fifty dollars for services rendered as clerk to said committee in said investigation. That he draw his

warrant upon said Treasury in favor of W. N. Haldeman for three hundred dollars for printing blanks for the use of said committee. That he draw his warrant upon the Treasury in favor of Lyttleton Cooke for twelve hundred and fifty dollars; in favor of P. H. Leslie for three hundred dollars, and in favor of R. Tarvin Baker for the sum of three hundred dollars; and in favor of Howard Todd for the sum of eighty dollars, which sums are allowed them for their services and expenses in making said investigations and report.

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§ 2. This act to take effect from its passage.

Approved March 15, 1869.

CHAPTER 2161.

AN ACT for the benefit of G. S. Jones, late Sheriff of Marshall County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the judgment in favor of the Commonwealth against G. S. Jones and his sureties, for the revenue of 1867, as was for damages, to-wit, four hundred and eighty-eight dollars and sixty cents, be, and the same is hereby, remitted: *Provided*, That said Jones and his sureties shall pay the residue of said judgment, including all costs, fees, interest, and attorney's fees, into the Treasury on or before the first day of June, 1869.

§ 2. This act shall take effect from its passage.

Approved March 15, 1869.

CHAPTER 2162.

AN ACT for the benefit of Daniel J. Mock, of Washington County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the residence of Daniel J. Mock, of Washington county, shall be included in the common school district known as Pleasant Grove district.

§ 2. This act shall take effect from its passage.

Approved March 15, 1869.

1869.

CHAPTER 2164.

AN ACT to incorporate the Kenton Furnace Railroad and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John W. Ellis and George W. McAlpin, of Cincinnati, Ohio; Lewis C. Damarin, Robert Bell, and William H. Ware, of Portsmouth, Ohio, and their associates and successors, be, and they are hereby, created a body corporate, for the purpose of constructing, maintaining, and operating a railroad or train-road, by horse or steam power, from such a point or points as they may select, on or near the land and furnace, or either, in Greenup county, known as the Kenton Furnace land and property, and thence running to, and connecting with, any railroad now built or to be built in this State, or directly to such a point on the Ohio river as they may select, or to both, as said corporators may select and decide upon.

§ 2. The capital stock of said company shall be one hundred thousand dollars (\$100,000), divided into shares of ten dollars (\$10) each; and the said capital stock may be increased, from time to time, by a majority of the stockholders in said company, until it reaches a sum not exceeding five hundred thousand dollars (\$500,000), as may be prescribed by the by-laws of said company.

§ 3. The company shall have power to make such by-laws, rules and regulations, as it may choose, for the proper management and maintenance of its road, or manufacturing and furnace, and other business, not inconsistent with the laws of Kentucky or of the United States.

§ 4. The company may construct branch railroads from their main track to any furnace or mines of coal or iron within the counties of Greenup, Lewis, or Carter.

§ 5. The company shall have the privilege of adopting and using a corporate seal; of suing and being sued, in its corporate capacity; of purchasing in fee or renting such real estate as may be necessary for its legitimate operations, and to perform and do all such other acts as a proper person might legally perform, in carrying out the objects of the company.

§ 6. The company shall fix its own tariffs for freights and passengers, subject to such general laws of this Commonwealth as now exist or may hereafter be enacted; and may obtain, by voluntary agreement with the owners, the right of way, and the necessary land for stations, side-tracks, depots, and other purposes, which may be required for the proper construction, maintenance, and operation of said road, and also the necessary materials for the making and repairing of the same; and if the right of way, lands,

and materials cannot be so procured, the company may have the same condemned, and pay for the same, in the manner required by chapter one hundred and three (103) of the Revised Statutes of Kentucky, title "Turnpike and Plank Roads."

1869.

§ 7. The company may hold all kinds of estate, real, personal, or mixed, which they may acquire by purchase or otherwise, necessary to accomplish the purposes or objects of the corporation, which they may use, dispose of, and convey at pleasure.

§ 8. The business of this corporation, in addition to those already named in this act, shall be the manufacture of pig metal, and the refining and conversion of the same into any of the forms and conditions into which cast iron, wrought iron, or steel, is converted for use, and the same to dispose of in any manner they may see fit. Its manufacturing establishment may be located in any city, town, or county in this or any other State. Said company may have a business office at their furnace, and also at such other places as they may find necessary for the successful operating and carrying on their business under this act.

§ 9. The general management of the affairs of the company shall be intrusted to not less than three nor more than five directors, who shall be elected by the stockholders, annually, on the second Monday in January; in each year; and if, for any reason, the stockholders should fail so to elect directors, they may be elected at any special meeting called for the purpose, by giving thirty days' notice thereof in some newspaper published in Portsmouth and Cincinnati, Ohio. The directors shall hold their office until their successors are elected and qualified. Immediately after the election of directors, they shall choose one of their number president, and may appoint a secretary, and such other officers as they may deem proper to transact their business; may prescribe their duties and the amount of their compensation. They may dispose of any part of the capital stock; shall keep a record of all stock subscriptions, and the transfers of the same, and of all business transactions; and their books and records shall, at all reasonable times, be open to the inspection of any and every stockholder.

§ 10. The company shall have all the powers necessary to enable them to take out their iron ore, &c., and manufacture the same in all its various forms.

§ 11. This act shall take effect and be in force from and after its passage.

Approved March 16, 1869.

1869.

CHAPTER 2165.

AN ACT to incorporate the Guthrie Insurance Company of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. R. Thompson, J. H. Rhorer, Harry Stucky, Richard H. Woolfolk, Enoch Lockhart, and John Bull, their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, by the name of the Guthrie Insurance Company of Louisville; and by that name may contract and be contracted with, may sue and be sued, implead and be impleaded, defend and be defended, in all places and courts whatsoever; may have and use a common seal, and the same may break, alter, or renew at pleasure; and shall have all the rights and privileges incident to corporations for the purposes hereinafter mentioned.

§ 2. The said company may purchase, rent, hold, and enjoy such real and personal estate as may be necessary or expedient to effect the object of the association, and may sell, lease, and convey the same at pleasure: *Provided*, Such real estate shall not at any one time exceed in value the sum of fifty thousand dollars, except such as may be taken or held for the debts due or to become due the company, and such real estate as may have increased in value after its acquisition by said company.

§ 3. The capital stock of said company shall be not less than one hundred thousand dollars, and not more than five hundred thousand dollars, divided into shares of one hundred dollars, which shares shall be deemed personal estate, and transferable on the books of the company in such manner as may be prescribed by the by-laws; but the said company shall have a lien on the stock of any holder thereof for any and all debts owing by such stockholder to said company; and may take such stock, or so much as may be necessary on account of such debt or debts, either by private contract with such debtor, or by purchase under any order or decree of any court enforcing such lien; and in case of the failure for thirty days of any subscriber for or holder of stock in said company to pay the calls for the subscription therefor, the said company may forfeit the said stock according to prescriptions of its by-laws, first giving ten days' notice to the holder, his agent or attorney, or by publication in a daily newspaper published in the city of Louisville.

§ 4. The said company shall have full power and lawful authority to insure all kinds of property against loss or damage by fire, lightning, wind, rain, flood, tornado, or any other risk that they may deem proper, and to make all kinds of marine and fire insurance on vessels, steamboats, and all kinds of craft and boats which navigate fresh or

salt water, as well as on goods, wares, and merchandise, produce, and every description of property transported by land or water from any port or place in or out of the United States to any port or place in or out of the United States. And it shall be lawful for said company to invest any part of its capital stock, moneys, funds, or other property, in any public stock or funded debt created or to be created by any law of the United States, or of this or any other State, or in the stock or bonds of any State, or of the United States, or in the stock of any bank chartered by this or any other State, and the same to sell and transfer at pleasure, and again to invest the same, or any part thereof, or to loan the same, or any part thereof, to individuals or public corporations, on real or personal security, for such periods of time, under such restrictions and limitations, as the board of directors shall deem prudent; and the said company may purchase the stock of any stockholder who ceases to do his insurance business with the same.

1869.

§ 5. The business of said company shall be conducted by a board of seven directors, one of whom shall be chosen president of the company by the board, and they shall hold their offices for one year, and until their successors are elected; but no person shall be president or director who does not own at least ten shares of the said capital stock. The time and manner of the election of the directors shall be prescribed by the by-laws, as also the number necessary to constitute a quorum to transact business. At all elections by the stockholders, each share of stock shall entitle its holder to one vote.

§ 6. The board of directors shall make all necessary and proper by-laws for the conduct and management of business, not inconsistent with the laws of this State; and may appoint and employ all officers, agents, and servants, necessary or convenient for the company's business.

§ 7. The absence of its seal shall not invalidate any policy or other contract otherwise properly made by said company; and no dividends on its capital stock shall be declared, except out of surplus profits of its business; and it shall have no power to emit bills of credit or notes to circulate as money, or do a general banking business.

§ 8. The principal office or place of business of said corporation shall be in the city of Louisville, Kentucky, but it may open and establish branch offices and agencies in any other place.

§ 9. The corporators above named shall be commissioners to open books of subscription for the said capital stock, on such terms and conditions as they may prescribe; and whenever one hundred thousand dollars be subscribed thereto and paid, and the same has been invested in the

1869. stocks and bonds of the United States or State of Kentucky, or in the bonds of some county or incorporated city of this Commonwealth authorized to be issued by the General Assembly, or in the stocks or bonds of some solvent dividend-paying institution incorporated by the General Assembly of this Commonwealth, and the affidavit of the president and secretary of the company has been filed with the Auditor of the State specifying the stocks, bonds, or other securities in which the same has been invested, the said company may organize and proceed to business; and those of the said corporators who shall have subscribed for the required number of shares, shall be the first board of directors, and hold their offices for one year, and until their successors are elected and qualified; and in case of a vacancy in any board of directors, the same may be filled by the board: *Provided, however,* That nothing contained in this act shall be so construed as to exempt said company from the operation of the provisions of any general insurance law now in force, or which may hereafter be in force in this Commonwealth.

Approved March 16, 1869.

CHAPTER 2167.

AN ACT to amend and reduce into one the several acts in relation to the City of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate
limits.

§ 1. That the plan, plat, and map of the town of Frankfort, executed in the year 1839, by R. M. Stealey, and recorded in the clerk's office of the Court of Appeals, and the map or plan of South Frankfort, on file in the office of the clerk of the Franklin county court, shall be, and the same are hereby declared to be, the true map, plat, and plan of the city of Frankfort; that the originals or attested copies of said maps may be used in evidence in the same manner that other records and copies thereof may be used; and the corporate limits and jurisdiction of said city of Frankfort shall extend to the limits indicated and defined in said maps.

Number and
qualification of
councilmen.

§ 2. The fiscal, prudential, and municipal concerns of said city, with the government and control thereof, shall be vested in eight councilmen, five of whom shall form a quorum to transact business, and all of whom shall have resided in said city one year next preceding their election, and be freeholders therein, and at least one of whom shall reside in South Frankfort.

§ 3. That said councilmen and their successors shall be a body-politic and corporate, and shall be known by the name and style of the "Board of Councilmen of the City of Frankfort;" and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and may have and use a common or private seal, and do all other acts, matters, and things which a body-politic and corporate having perpetual succession may lawfully and rightfully do and perform.

§ 4. The said councilmen shall be elected annually on the first Saturday in January by the qualified voters of said city, who shall have paid their poll tax for the preceding year, and all arrearages and taxes by them due to said city, which payment, on being questioned, must be satisfactorily shown. The said councilmen shall hold their office for one year, and until their successors shall be elected and qualified; they shall, in addition to the constitutional oath, take an oath before some officer authorized to administer oaths, that they will faithfully, and without favor or affection to any one, discharge the duties that may devolve upon them as councilmen during their continuance in office; they shall have power to fill any vacancy that may occur in their own body; they shall elect one of their own body mayor, who shall preside at all meetings of the board when present, and, in his absence, a mayor *pro tempore* shall be chosen from among the members of the board. The mayor shall be the executive officer of the board, and shall have power to administer oaths to any officer appointed by the board or concerning any matter pending before the board or connected with the administration of the affairs of said city; and any oath so administered by the mayor shall be as valid and binding as if administered by a justice of the peace. The election of councilmen shall be conducted by one or more of the members of the board, or such other persons as shall be appointed by the board for that purpose, and shall be held at such place as the board may direct. The officers conducting the election of councilmen and other elective officers shall return the names of the persons elected, which shall be recorded by the clerk of the board in his official book. At least ten days' notice of the time and place or places of holding any election for officers of said city shall be given by advertisement in some newspaper published therein. Should any councilman be absent from the meetings of the board for three months, the board may, by unanimous vote of all the remaining councilmen, by resolution to that effect,

1869.

Style of incorporation—may use a common seal; power to contract, to sue and be sued, &c.

When councilmen elected and qualification of voters, term of office, &c.

Oath of.

Vacancy.

Mayor, how chosen, and duties of.

Election, how conducted.

Vacancy in board, how filled.

1869. entered upon their records, declare his seat vacated, and may fill the vacancy caused by his removal as in other cases.

Time of meet-
ings.

Penalty for
failing to at-
tend.

§ 5. The board of councilmen may, from time to time, by by-laws or ordinances, fix and regulate the times and places of their regular meetings, and also prescribe the mode in which special meetings may be called; and may inflict a penalty on any member for non-attendance, not exceeding two dollars for failing to attend any one meeting, such fines to be collected by the marshal on the order of the board so directing him, attested by the mayor and clerk, and shall be applied to the purchase of stationery, lights, and fuel for said board.

Board may
hold real es-
tate.

May lease,
sell, and con-
vey same.

Sale of real
estate, how
made.

§ 6. That the board of councilmen and their successors shall have power and authority to take, receive, and hold real, personal, and mixed estate, by purchase, devise, bequest, or donation, for the use and benefit of said city, and may use, appropriate, lease, or sell and convey, by deed or mortgage, any real, personal, or mixed estate which may be so taken, purchased, or received by them, or which is now held by, or has been conveyed to, the said city of Frankfort, in such manner and upon such terms as they may deem expedient: *Provided, however,* That no sale or lease of any such real estate shall be made, unless the same is sanctioned and approved by at least six members of the council at a regular meeting thereof, which shall appear by a vote by yeas and nays, recorded in full upon the recorded proceedings of the board, giving the individual names of the councilmen who voted for, and those who voted against it. When any sale or conveyance of real estate shall have been so ordered by the council, a deed in pursuance of such order may be executed and acknowledged by the mayor, attested by the clerk of the board of councilmen, who shall affix the seal of the city thereto; and when so ordered, executed, and acknowledged, such deed shall be effectual to pass title to the purchaser.

Title to streets,
alleys, and real
property vested
in councilmen.

§ 7. That the legal title to all the streets and alleys in said city, and to all the real, personal, or mixed estate which now does, or may hereafter belong to said city, including the water works from the point where they commence, at or near Cove Spring, in the county of Franklin, to the point or points at which they may ultimately terminate within said city; and the gas-works, together with all the fixtures, appurtenances, and appendages thereto, and to all the real estate which has been or may hereafter be secured for the benefit of either said water or gas-works, with all the rights, privileges, and appurtenances thereunto belonging, shall be, and the same is hereby, vested in said board of coun-

cilmen and their successors in office; and they shall have full power and authority to maintain and carry into judgment and execution any action or actions of trespass for any injury done to the same; and may, in like manner, maintain and carry into judgment and execution any other appropriate action or actions, at law or in equity, for the recovery of their property, or for damages for the detention, taking, injury, or destruction of the same; and the same process may issue, and execution be awarded, as are applicable, by law, to suits by private individuals: *Provided, however,* That suits or proceedings thus instituted, in which the said board of councilmen do not sue for a specific penalty, the jury shall not be limited in their verdict by the amount of any specific penalty annexed to the offense for which the suit was brought or proceeding instituted, but shall be governed by the same discretion which regulates their verdicts in suits between private individuals: *And provided also,* That in all such cases, when the damages are laid at a sum not exceeding fifty dollars, the police judge of said city, or any justice of the peace, shall have concurrent jurisdiction, subject to appeal as in other cases.

§ 8. That the board of councilmen shall have power and authority to clear the streets, alleys, sidewalks, and passways in said city of all obstructions; to erect and sink cisterns, wells, and pumps, and keep open all springs in said city, and to declare them free to the use of the public. They shall also have power and authority to preserve and protect, free from encumbrance, all public grounds and improvements in said city. They shall have full power and authority to remove, or cause to be removed and abated, any nuisance or nuisances in said city, and to regulate the storage or removal of any combustible or unwholesome material that may tend to endanger property, or injure the health, or diminish the comfort of the citizens or the public; they shall also have power and authority to cause any chimneys, flues, stovepipes, fire-places or hearths, that, in their judgment, may threaten the security of property, to be changed and repaired, so as to remove the cause or danger of insecurity, and may prescribe the height, location, material, and dimensions of all such chimneys, flues, stovepipes, fire-places, and hearths, as may hereafter be erected in said city; they shall also have power and authority to cause the owners and occupiers of property fronting on streets or alleys to keep the streets, alleys, or pavements in front

1869.

They may maintain action for trespass or injury to, or to recover, or for damages for detention of same.

Jury shall not be limited to specific penalty or amount.

Police judge or justice of the peace, jurisdiction, when amount not exceeding \$50.

Board may clear streets & alleys of obstructions. Authority to erect and sink cisterns, wells, & pumps, keep open springs. To protect public grounds.

To abate nuisances.

To regulate storage of combustible or unhealthy matter.

To regulate chimneys, flues, &c.

To cause property-holders to keep streets, &c., clear.

1869.

Penalty for failing to comply with requirements of board.

Recovered by warrant before police judge or other court of competent jurisdiction. Additional penalties may be prescribed.

How recovered.

May cause city and grounds to be ornamented.

Penalty for defacing or injuring city property.

May require property-holders to grade, improve, curb, repair, or construct streets, alleys, sidewalks, &c.

If owner fail, board may have work done.

of them free from obstructions, dirt or filth; and in all cases enumerated in this section, when the person or persons who should do so fail or refuse to obey and perform the directions given, or the regulations or ordinances passed in relation thereto by the board of councilmen, they may cause the same to be executed, done, or performed; and all costs and charges thus incurred shall be paid by those who should have complied with the directions or ordinances of the board in relation thereto, and may be recovered by warrant in the name of the board of councilmen, before the police judge, or any justice of the peace having jurisdiction, or by suit in the Franklin quarterly or circuit court. And, in addition, the board of councilmen may, by order or ordinance, affix a penalty by way of fine, imprisonment, or both, for any failure to comply with, or violation of, any regulation, direction, or ordinance authorized in this act, enforceable by warrant before the police judge of said city, any justice of the peace having jurisdiction, the presiding judge of the Franklin county court, or by indictment in the Franklin circuit court.

§ 9. That said board of councilmen may cause the said city, and the grounds belonging thereto, to be ornamented in such way as they may deem expedient, with fencing, trees, and shrubs, and provide for the protection of the same; and any person who shall willfully injure or deface such fencing, trees, or shrubs, or any one or part thereof, or the boxing or protection of the same, or any public house or property in said city, shall, for every such offense, be subject to a fine of not less than ten nor more than fifty dollars, to be recovered by warrant in the name of the board of councilmen before the police judge, the presiding judge of the Franklin county court, or any justice of the peace.

§ 10. That the board of councilmen may, from time to time, direct and require the owners of lots or parts of lots in said city fronting on any street or alley to cause suitable sidewalks in front of their respective lots or fractions of lots to be graded, curbed, and paved, in such manner, with such material, of such width, and at such elevation, as the board may deem expedient; also, to repair the same in such mode and manner, and at such time, as the board may direct; and also to grade and pave or macadamize one half of the street or alley in front of the whole line or lines of their lots or fractions of lots, in such mode and manner as they may direct. If the owner or owners of such lot or lots or fraction of such lot or lots fail or refuse to have the sidewalk, street, alley, or gutter repaired, paved, graded, macadamized, curbed, or finished within the time and in the manner prescribed

by the board of councilmen, it shall be lawful for said board to have the same done; and all costs and charges expended or incurred in the execution of such work shall be taken and be a tax upon said lots and fractions of lots, and the owners thereof respectively, in proportion to the amount which the whole improvement made under such order bears to the length in front of said lots or fractions of lots respectively, which, when ascertained and determined as the said board of councilmen may, by ordinance now in force or hereafter to be passed, provide, shall be listed with the marshal of the city and collected as other taxes. Notice of such order or direction for constructing, repairing, grading, paving, 'macadamizing, or curbing streets, alleys, sidewalks, or gutters, shall be given by publication in the newspaper of the Public Printer for the time being, for one month, by successive weekly publications therein, or by printed notice set up at the door of the market-house and at twenty other public places in said city one month previous to the time fixed for the completion of such work; and a copy of such order or direction, if published in the newspaper, accompanied with the affidavit of the Public Printer that the same has been duly published as herein provided, or a copy of such printed notice, accompanied by the affidavit of the marshal that he posted the same as required by this section, may be recorded in the clerk's office of the Franklin county court, and shall be *prima facie* evidence that said order or direction was given and publication made as required by this act, and attested copies of the same may be used on the trial of any cause, and shall have the same force and effect as other attested copies now authorized by law.

§ 11. That the said board of councilmen shall have the control and care of the market-house; and shall annually appoint a market-master, who shall give bond, with security, to be approved by the board, faithfully to perform the duties prescribed for him by the council. The board may authorize the stalls in the market-house to be rented, and may license persons to sell meats and other articles of provision under such regulations as may be prescribed by ordinance or order of the board; and all sums due, either for the rent of stalls in the market-house or for such licenses, shall be collected as other taxes are collected or as the board may provide. The board of councilmen shall have full power and authority to pass all ordinances, by-laws, rules and regulations, for the government of the market, not contrary to the Constitution and laws of the State, and may enforce the same by the infliction of fines and penalties for the violation thereof: *Provided*, That no greater fine than ten dollars, and no

1869.

Cost of work, when done by board, a tax on lots.

Collected as other taxes. How notice of order to improve streets, &c., given.

How publication of notice proven.

Board to control market & market house. Market-master, his duties.

Rent of stalls and market license.

May by ordinance regulate market.

And enforce compliance by adequate penalties.

1869. imprisonment or confinement at labor for more than five days for a single offense, shall be inflicted for a violation of market regulations, unless otherwise specifically provided herein.

May purchase burying ground and regulate and protect the same.

May purchase ground and erect buildings for public schools, and levy tax to support same.

May establish, authorize, and regulate fire department.

Procure engines, &c.

May require citizens to do fire duty.

Watch-house and work-house.

Persons fined may be committed to work-house till fine paid.

Fine and costs may be satisfied by labor in work-house at \$2 per day.

Board may provide for chain-gang to work offenders on streets.

§ 12. That said board of councilmen shall be authorized to purchase and hold any quantity of ground, not exceeding fifty acres, within two miles of the limits of the city of Frankfort, for a burying-ground; and may make all needful and necessary regulations for the use and protection of the same. They shall have full power to purchase and erect necessary ground and buildings for a free school or schools in said city; and to make all provision for the support thereof by levying and collecting such taxes as may be authorized by law. They may also establish or authorize fire and hook and ladder companies, the members of which companies shall be exempt from military duty, in said city, and prescribe rules for their management, and procure the necessary engines, hose, and implements, to be used in case of fire; and may require all the inhabitants of said city to keep such number of buckets as they may think necessary. They may require all the able-bodied male citizens of said city to do fire duty, under such regulations as may be deemed proper. They shall have power and authority to establish a watch-house and a work-house, and to appoint watchmen and other officers to superintend such houses, and to apprehend all offenders and disorderly persons, or persons keeping disorderly houses, and take them before the proper tribunals to be dealt with according to law. All persons who may be fined or sentenced to confinement by judgment of the police judge or other officer authorized to try offenses under this act, for breaches of the peace, riots, routs, affrays, unlawful assemblies, keeping a disorderly house, or any other offense against the ordinances, by-laws, rules or regulations of said city, or the general laws of the State, and all common mendicants and vagrants, may, by the order of the police judge or other officer trying the case, be confined in the work-house, at hard labor, during the period of confinement so prescribed; and in case of fine, may be so confined at hard labor until the same is paid, or until said fine, with all fees and costs, shall have been discharged by such labor, at the rate of two dollars per day. And said board of councilmen may provide, by ordinance, that judgments of fine and imprisonment for violations of the general laws within the city, the charter, by-laws, rules, or ordinances of the city, shall be satisfied by work and labor done upon the streets or elsewhere in or near said city; and to this end, may provide for the organization of such offenders into working parties, with proper superintendents; and, to prevent escape,

may authorize them to be confined or chained together, under proper regulations.

1869.

§ 13. That the board of councilmen shall have power and authority to assess annually, levy and collect, a tax not exceeding two dollars and fifty cents on the hundred dollars' worth of property, exclusive of the school tax and tax authorized to pay principal and interest of the bonds of the city issued for school purposes, on all real estate within the limits of said city, and all bank stocks, bridge stocks, manufacturing stocks, or any other kind of stocks, money, notes, or bonds of cities, towns, corporations or States, choses in action, and all personal estate of every kind, not exempt by law from execution, belonging to citizens of the city of Frankfort, and any capital or other property belonging to any other corporation or citizen of any other place employed in said city; and they may also levy and collect a poll-tax of not exceeding two dollars and fifty cents each on all male persons within said city over the age of twenty-one years. They may prescribe the time and mode of taking the lists of taxable property for city purposes, and of ascertaining the value thereof, and of correcting the lists or valuation of the assessor; and may fix penalties for refusing to give in list or giving in a false or fraudulent list; and may prescribe an oath, to be administered by the assessor to all persons giving in lists of property. The clerk of the board of councilmen shall, within the time prescribed by the board, not later than the 1st of June in each year, record in a book to be kept by him for that purpose, the assessor's list, with any corrections that may have been made therein by the board; and said lists thus recorded, or copies thereof, attested by said clerk, shall be received in evidence in any court, and shall be *prima facie* evidence that the assessor complied with all the duties required of him by law; and shall also be *prima facie* evidence that all the laws in relation to the fixing and adjustment of taxes have been regularly complied with by the board of councilmen and other city officers. The board may tax all theatrical performances, shows, and exhibitions of all kinds, in any sum not exceeding fifty dollars for such exhibition or show in any one day. They may tax all auctioneers and peddlers in a sum not exceeding five per cent. on the gross amount of sales for all goods, wares, and merchandise, and articles sold within said city, except property sold by citizens, of their own manufacture, or by order of court, or by executors, administrators, or guardians, and shall have a lien on the article sold, or to be sold, for such tax, until the same is paid or the person selling the same takes out license for that purpose. They shall have power to tax, and require to be licensed, all

May assess
annual tax.

What prop-
erty taxable.

Poll tax.

Assessment—
how made.

May tax shows,
peddlers, auc-
tioneers, &c.

Exceptions.

May tax and
require to be
licensed drays,
wagons, hacks,
&c.

1869.

Lien on property till tax paid.

May classify and tax stores, groceries, &c.

Goods in such stores not to be included in assessor's list.

Exclusive right to license coffee-houses, billiard rooms, livery stables, &c.

May add ten per cent. to taxes if not paid in specified time.
State tax to be paid.

City clerk to report to Auditor.

Authority to county court to grant licenses repealed.

drays, wagons, carts, hacks, coaches, and baggage-wagons plying in said town for hire. They shall have a lien on all real and personal estate in said city until all taxes due by the owners thereof are paid; and all such property shall be liable to be sold, or so much thereof as will pay such taxes and the costs of sale. They shall have power and authority to cause all stores and groceries within said city to be classified and divided into six classes, and may collect a tax on each not exceeding one hundred dollars per year on each retail store, and not exceeding two hundred and fifty dollars per year on a wholesale store: *Provided*, That goods in such stores, so taxed according to their class, shall not be valued and included in the assessment of property for taxation in said city. They shall have the right to tax, and the exclusive right to license, all taverns, groceries, coffee-houses, confectioneries, retailers, beer saloons, billiard saloons, bowling alleys, and houses of public resort, excepting gambling-houses or houses of ill-fame, and all livery or livery and sale stables within said city, and to fix the tax therefor, in addition to the tax due the State, in any sum not exceeding two hundred dollars on each per annum, and to discontinue said licenses, or any one thereof, at pleasure. The board of councilmen may fix a time within which all taxes and assessments due the city shall be paid to the treasurer; and if not paid by that time, may cause the same to be listed with the marshal or other proper officer for collection, and may add to the amount due in each case the expense of such collection, not exceeding ten per cent. on the amount so due, unpaid, and listed as aforesaid; and if a levy and sale are required, the cost thereof shall also be added: *Provided*, That the board of councilmen shall cause the treasurer of said city to pay, annually, into the Public Treasury of the State, the amount belonging to the public revenue. And the clerk of said board of councilmen shall, annually, on the 31st day of December, make report of the number of licenses so issued, and the amount of State tax so collected by the treasurer; and the said clerk and treasurer may be proceeded against by the Auditor for failure to perform the duties herein required in the same manner as delinquent county court clerks are proceeded against. Any law giving to the county court of Franklin county the power to grant tavern or merchant's licenses within the limits of said city is hereby repealed: *Provided further*, That the provisions of this act shall in nowise change the mode of listing merchandise for taxation in said city for the State revenue or the collection of the tax thereon.

§ 14. That to insure uniformity in the measurement or weight of coal and wood, and all other articles sold within said city by weight or measurement, and to protect the citizens from imposition in the sale and purchase of such articles, the board of councilmen may appoint a "weigher and measurer," or "inspector of weights and measures" for the city, and may, by suitable by-laws or ordinances, already enacted or hereafter to be enacted, regulate the duties of said officer and the mode and manner of discharging them; and may provide for the inspection of shingles and illuminating oils bought or sold within the city. They may prescribe such penalties by fines for violations of the by-laws, ordinances, and regulations herein authorized to be made as they may deem proper, not exceeding fifty dollars for a single violation, recoverable as other fines.

1869.

May appoint weigher and measurer and prescribe his duties.

Shingles.

Penalties.

§ 15. That the board of councilmen shall have authority to create a sinking fund to enable the city to pay off its debt, and to prescribe and designate such taxes on licenses, and other revenues, to be paid into the sinking fund, as they may deem proper; and shall have authority to levy and collect, on the taxable property within said city, annually, until the payment of the bonded debt of the city, a special tax of not exceeding fifty cents on the one hundred dollars' worth of property, which tax so levied and collected shall be applied only to the payment of the principal or interest of the debt of the city; and the board of councilmen shall have full power and authority to order the investment or reinvestment of any surplus in said sinking fund, from time to time, in safe and profitable securities.

May create sinking fund and set apart moneys there-to.

May levy fifty cents tax for sinking fund.

May invest surplus money of said fund.

§ 16. Whereas, the board of councilmen have recently incurred a considerable debt by the purchase of a steam fire engine and necessary apparatus, and the erection of an engine-house and other necessary and proper improvements, all done upon the petition of the mass of property-holders within the city; therefore, the said board of councilmen shall have power to fund the existing debt due from the city, and are hereby authorized to issue the bonds of the city, in any sum not exceeding ten thousand dollars, for any period not more than twenty years, payable at such place as may be fixed by ordinance, bearing any rate of interest not exceeding ten per cent., payable semi-annually or otherwise; said bonds may be of any denomination not less than one hundred nor more than one thousand dollars each, and shall be signed by the mayor, and countersigned by the clerk, and shall bear the seal of the corporation; which said bonds, so issued as aforesaid, may be sold and disposed of by the board of councilmen, upon such terms and in such manner as

Board may fund debt and issue bonds.

1869.

Or execute
notes of city.

they may deem best for the city to enable them to discharge said debt. Or said board of councilmen may execute the note or notes of the city to any such citizen or citizens, or corporations, as will furnish money on loan for the purposes aforesaid, payable in one, two, three, four, or five years, bearing interest at any rate not exceeding ten per cent. per annum, which said note or notes shall be signed by the mayor, and attested by the clerk of the board of councilmen, and shall bear the seal of the city, and being so executed after an order of the council so directing, they shall create a binding obligation against the board of councilmen, and a lien on the property of the city, enforceable as other contracts: *Provided*, That, at the time of the issual of such bonds, or the execution of the notes as aforesaid, a sufficient tax shall be levied on the taxable property of the city to meet the payments stipulated therein, whether of principal or interest, and shall be so levied and collected, annually, till the said debt shall be fully paid.

Shall, at the
time of issuing
such bonds or
notes, provide
for payment by
tax.

May appoint
officers and pre-
scribe their du-
ties, fix sala-
ries, prescribe
bonds of, &c.

§ 17. That the board of councilmen of the city of Frankfort shall have power to appoint annually a clerk, treasurer, assessor, market-master, night and day watchmen, superintendent of gas and water-works, officers of the fire department, weigher and measurer, inspector of oils, and such other officers for said city as may be necessary to carry into effect the laws, by-laws, ordinances, rules and regulations, of said city, and may prescribe the respective duties and fix and provide for the payment of the respective salaries of said officers. They shall require bond, with sufficient surety, conditioned for the faithful discharge of official duties of all persons appointed by them to fill responsible offices. All such official bonds shall be executed to the board of councilmen of the city of Frankfort, and may contain any stipulations and covenants that the said board may think proper to require, and shall be approved by the board and kept by the clerk, and, when executed, shall operate as a mortgage lien on the real and personal estate of the officers and their securities respectively, until all the conditions of such bonds are fully complied with; and proceedings by motion or suit at law or in equity may be maintained thereon, in any court of competent jurisdiction held within the county of Franklin, by said board of councilmen, or any person aggrieved, for any neglect of, or failure to perform, official duty, and for all damages sustained by reason of such failure on the part of any of said officers. Said board of councilmen shall have full power and authority at any time to remove any of said officers or their deputies, and to appoint others in their stead; and also to fill any vacancy which may occur

Official bond
to operate as
mortgage lien
on property of
officers & sure-
ties.

Actions on
bonds.

May remove of-
ficers at pleas-
ure, and fill va-
cancies.

in any of said offices from death, resignation, or other cause. The board shall require all officers, before entering upon the discharge of official duty, to take the constitutional oath and such other oaths as may be prescribed by ordinance, order, or by-law.

1869.

§ 18. That the said board of councilmen shall exercise and possess all the powers and privileges which, by the general laws of the land in relation to towns and cities, are granted to trustees or councilmen; and shall have full power and authority to make all the necessary by-laws, rules, ordinances, and regulations, for the purpose of carrying into effect the powers granted by this act, and also such as may be necessary for the comfort, cleanliness, good order, and security of said city and the citizens thereof, and may enforce the same by adequate penalties, to be recovered in their name by warrant before the police judge or any justice of the peace or in any court of competent jurisdiction, provided the same are not contrary to the Constitution and laws of the land. Said board of councilmen shall have the same franchises, powers, and authority as are conferred on the managers in an act, entitled "An act for the benefit of the city school of the town of Frankfort, and for other purposes," approved February 1st, 1838, and shall invest all money realized thereunder in safe and solvent securities, and may use and appropriate the interest and profits of such investment for the support of the city school. The present board of councilmen and officers of said city shall continue in office until their successors shall be duly elected and qualified; and they are hereby invested with all the powers and privileges which the councilmen and officers to be elected pursuant to this act shall possess; and all ordinances, by-laws, rules and regulations, now in force in said city, not in conflict herewith, are declared to be in full force and effect, and shall so continue until repealed, modified, or suspended by the board of councilmen. No suit shall be instituted against the board of councilmen except in some court held in the city of Frankfort, and service of process on the mayor shall be sufficient.

Board possess all powers granted by general laws.

May make all necessary by-laws, rules, ordinances, &c., necessary to carry into effect this charter, or necessary for the comfort, good government, & safety of the city or its inhabitants, &c.

May enforce the same by adequate penalties.

Granted privileges of act of Feb. 1, 1838, for city school.

Present board and officers to continue till successors elected & qualified.

Ordinances, by-laws, &c., now in force to have full effect.

Where sued.

Process served on mayor.

Treasurer—oath & bond of.

§ 19. The treasurer appointed by the board of councilmen shall take the usual oath of office, and shall execute such bond as the board of councilmen may require, conditioned for the faithful performance of his duties as treasurer, with good security, to be approved by the board, who shall be worth jointly in property unencumbered and subject to execution not less than ten thousand dollars. He shall receive and receipt for all moneys due the city of Frankfort; shall keep a fair and accurate record of all the fiscal concerns of the city, keeping sep-

His duties.

1869.

arate accounts of each distinct fund which may exist or be created, and record in order the appropriations of the board as certified to him by the clerk, and pay the same according to their order. He shall pay out no money without receiving a copy of a resolution of the board, signed by the clerk, making appropriation thereof, or such other certificate or warrant as the board of councilmen by ordinance may prescribe; and he shall file all such orders or warrants upon which payment is made by him and preserve the same, and shall make settlement of his accounts at any time when required by the board. His books shall at all times be open for inspection by persons having claims upon the city or by any member or officer of the board. He shall make report to the board annually, or oftener, as they may require of him, of all moneys received and paid out by him, and of all sums due the city and unpaid, and any other matter connected with his office; and shall at all times be ready for a settlement. The board of councilmen may by ordinance provide for filling a temporary vacancy in the office of treasurer.

Temporary
vacancy.

Clerk of board.

Oath and bond
of.

His duty to
preserve and
turn over all
books and pa-
pers of his of-
fice.

Keep journal
of council pro-
ceedings, and
fiscal accounts.
Poll-books.

Record orders
of board and
assessment of
property for
taxation.

Preserve
bonds, &c.

His bond to be
kept by treas-
urer.

Certify claims
allowed by
board.

Make out tax
list & amount
thereof and de-
liver to treas-
urer.

Preserve re-
port of treas-
urer and list
unpaid taxes
with marshal.

§ 20. The clerk of the board of councilmen shall take the oath required by the Constitution of the State, and such other oath as the council may prescribe; and shall execute bond, containing such conditions and with such security, as the board may require. It shall be his duty to preserve the books, papers, records, and everything belonging to his office, and to deliver the same to his successor. He shall keep a regular journal of the proceedings of the board, and a regular account of the fiscal concerns thereof. He shall file and preserve the poll-books of all city elections, and shall record the acts, resolutions, orders, and ordinances of the board, and the assessment of property for taxation for city purposes, after the same shall have been finally corrected and adopted by the board. He shall keep and preserve all records, bonds, agreements, contracts, and other papers relating to the interests of the city, except his own bond, which shall be in the custody of the treasurer. He shall copy and sign all resolutions, orders, claims, and allowances, when required to do so by persons having claims against the city treasury. He shall make out a fair list of the persons and property liable for taxes, with the amount due by such persons or on such property, in alphabetical order, and place the same in the hands of the treasurer at such time in each year as the board may require, embracing therein special as well as general taxation, and shall file and preserve the report of the treasurer of those taxes which have not been paid; and shall make out and place in the hands of the marshal a

list of the persons and property by whom or on which taxes and dues to the city remain unpaid, and the amount of the same respectively. He shall issue warrants on the treasurer for all moneys ordered to be paid by the board of councilmen, and permits to pay money into the treasury, under such rules and regulations as the board may prescribe, and shall do and perform such other duties as the board may require of him.

§ 21. That the marshal of the said city of Frankfort shall be elected at the same time and in the same manner as the board of councilmen, and shall take the constitutional oath of office, and such other oath as the board of councilmen may prescribe, and shall execute bond, with sufficient security, to be approved by the board, to the board of councilmen of the city of Frankfort, for the faithful discharge of his official duties, and containing such other provisions as the board may require, which bond shall be attested by the clerk, and approved by the board. He shall have power and authority, within the county of Franklin, to collect the taxes, dues, and demands of the city of Frankfort, in the same manner that sheriffs have to collect the county levy and State revenue; and shall have full power in said county to serve notices, and to execute warrants and process from the police judge of said city, any justice of the peace of Franklin county, or the presiding judge of the Franklin county court, and to levy and collect executions which may issue upon judgments rendered by said police judge, justices of the peace for Franklin county, or from the Franklin county or quarterly court, and all fee bills and other dues listed with him. He shall serve and execute all orders and notices issued or made by the board, and make due return of the same. He may have a deputy or deputies, by and with the consent and advice of the board, entered of record in the proceedings of the council, and shall, with his securities, be responsible on his official bond for any neglect, misconduct, malfeasance, or other default, as well of his deputy or deputies as of himself. He shall be entitled to the same fees for executing notices, subpoenas, and process, and the same commissions for collecting the taxes and dues of the city, and all executions placed in his hands as marshal, as sheriffs and constables are allowed in like cases, when it is not otherwise provided for in this act, or by the order of the board of councilmen, which said board may regulate and fix the commissions and compensation of the marshal for all taxes and dues collected for the city, and all notices, &c., executed by order of the board. He shall be entitled to a fee of one dollar for serving a peace war-

1869.

Issue warrants for all money due by the city.

And permits to pay money into the treasury. Other duties.

Marshal—when and how elected.

Oath and bond of.

May collect city taxes.

May serve notice, execute warrants, levy and collect executions. fee bills, &c.

Shall serve all orders of the board.

May have deputy.

Shall be responsible for his acts.

Fees of.

1869. rant, or warrant for a riot, rout, affray, unlawful assembly, or breach of the peace, and for executing all warrants where trial is to be had by a jury for offenses finable by the ordinances or laws of said city, and to a fee of twenty-five cents for the execution of warrants for penalties, forfeitures, and debts, to be tried by the police judge, without the intervention of a jury. He shall be allowed the same fees, payable out of the State Treasury, for the arrest of parties charged with felony, as are allowed and paid to sheriffs for similar services. The marshal and his deputies shall have the same power and authority to take replevin and other bonds that sheriffs and constables have by law, and to charge and collect the same fees and commissions therefor; and may make out, attest, collect, and distrain for all fee bills due for services rendered, the same as sheriffs. For any failure to perform or neglect of duty in the collection or payment of taxes, the collection or payment of money due on fee bills or other dues or executions placed in his hands, or the failure to execute and return, in proper time, with the proper indorsements, to the proper office, of any process or precept to him directed, and to him delivered, or any one of his deputies, the said marshal, and his securities on his official bond, shall be liable to the same pains, penalties, and damages, as are imposed by law on constables and their sureties, and sheriffs and their sureties, for similar failure or neglect, recoverable by motion in any court of competent jurisdiction held in the city of Frankfort: *Provided*, That no motion shall be made under this act against the securities of said marshal, unless the same be made within two years from and after the time of such failure, refusal, or default; and in all such proceedings either party may prosecute an appeal as in other cases.
- § 22. That if, on or after the first day of August in any year, there be due and unpaid any tax or taxes on any lot or fraction of a lot in said city, which tax or taxes may be imposed by virtue of this act, or any law which hereafter may be adopted, it shall be the duty of the board of councilmen of said city to cause to be published in the newspaper of the Public Printer for the time being a list of all the lots and fractions of lots on which such tax or taxes may be due and unpaid, and also the amount due and unpaid upon each lot and fraction of lot respectively for one month, by successive weekly publications; and they shall also state in a note appended to said list the day or days on which said lots or fractions of lots, or so much of each as may be necessary to discharge and pay off the tax or taxes due thereon respec-
- Fees against the State.**
- May take replevin bond.**
- Subject to same penalties, &c., as sheriffs and constables for neglect of duty, recoverable by motion.**
- When motion must be made.**
- Proceedings to collect taxes due on real estate within city**
- How advertised**

tively, will be sold; and a copy of said list as published, accompanied by the affidavit of the Public Printer that the same has been published agreeably to the provisions of this act, shall be recorded in the clerk's office of the Franklin county court, and when so recorded shall be *prima facie* evidence that said publication was made as prescribed by this act; and an attested copy of the same may be used on the trial of any cause, and shall have the same force and effect of other attested copies as now authorized by law. If the tax or taxes thus due and advertised upon the lots or fractions of lots be not paid on or before the time thus appointed for the sale, it shall be the duty of the marshal to expose to sale, on the day or days so appointed, the said lots or fractions of lots on which said tax or taxes remain due and unpaid, or so much of each as may be necessary to pay the tax or taxes due thereon, to the highest bidder. The sale shall take place at the court-house door, in Frankfort; and, in case of a sale, it shall be the duty of the marshal to convey the lots or fractions of lots so sold to the purchaser or purchasers, and his deed thus made shall pass the title to the property so conveyed to the purchaser: *Provided, however*, That the same may be redeemed at any time within two years by the original owner or owners, or his or their heirs or assigns, by paying the purchaser or his heirs or assigns the amount of the purchase money, with interest thereon at the rate of fifty per centum per annum from the date of such purchase, and all costs and charges incurred by virtue of such sale, including an equal *pro rata* of the costs of advertising as hereinbefore provided, which may be added to the amount of taxes due when such advertisement is required: *And provided also*, That infants and *femes covert*, and persons of unsound mind, shall have two years after their several disabilities are removed to redeem their lots or fractions of lots sold as aforesaid.

§ 23. That the police judge of said city of Frankfort shall be elected at the same time and in the same manner as the board of councilmen; and before entering upon the duties of his office shall be commissioned by the Governor of the Commonwealth, and take the constitutional oath and an oath faithfully and impartially to discharge the duties of his office. He shall have jurisdiction within the limits of said city of all misdemeanors; of all actions for a violation of the city charter, ordinances, or by-laws; of all prosecutions for injury or damage to public buildings or property of the city. He may grant injunctions, writs of *ne exeat*, *habeas corpus*, restraining orders and attachments, in the same manner as two justices of the

1869.

Advertisement to be filed in county court clerk's office.

Shall be *prima facie* evidence. Copy may be used.

If tax not paid marshal shall sell such real estate.

Sale to be at court-house door. Marshal shall convey to purchaser.

Property so sold may be redeemed within two years.

Persons under disability may redeem within 2 years after its removal.

Police judge, when elected.

Shall be commissioned and take oath.

His jurisdiction of penal cases.

May grant injunctions, attachments, &c.

1869.

In criminal
cases jurisdiction
of two justices
of the peace.
(Civil juris-
diction.

May require
and take bail.

Conservator
of peace and
try breaches
thereof, &c.

When a jury
shall be requir-
ed by.

May compel
attendance of
witnesses.

May punish
contempts.

May take
depositions.

Shall keep
a record, and
copies thereof
may be used in
evidence.

Shall deliver
to successor all
records and pa-
pers of his office

peace; and in all criminal and penal cases, he shall have the same jurisdiction as the law confers on two justices of the peace, and shall proceed in the same manner that justices of the peace are required to proceed in such matters. He shall have the same jurisdiction in civil cases as a justice of the peace of the same magistrates' district. He shall have full power and authority to require bail, and receive the execution and acknowledgment of recognizances of bail and bail bonds in all cases originated or tried before him in which bail is or may be required; and such recognizances and bail bonds shall be in such form and be returned in such manner as is or may be prescribed by the several laws authorizing or requiring bail. He shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, breaches of the peace, unlawful assemblies, keeping disorderly houses, all cases of indecent or immoral behavior, or conduct calculated to disturb the public peace within said city; over all cases of drunkenness, profane swearing, running horses, firing guns or pistols, making reports by burning powder or matches or crackers or other explosive substance or thing; blowing horns, flying kites, crying aloud, by day or night, and all other riotous conduct whatever, within said city, all of which are hereby declared to be misdemeanors; for carrying concealed weapons, and all other misdemeanors; and in prosecutions tried before him, the jury may assess a fine against each defendant for any sum not exceeding one hundred dollars, in cases wherein a different penalty is not fixed, which, with all fees and costs, may be discharged by labor in the work-house or on the streets of the city at two dollars per day. The police judge may order the marshal to summon a jury in any case cognizable before him, when a jury would be required in the circuit court or before a justice of the peace; and in all cases when the amount of the fine is or may not be fixed by law or ordinance of said city, the same shall be ascertained by the verdict of a jury. He shall have power to issue summons for witnesses in cases pending before him, and to compel their attendance. He shall have power to fine and imprison for contempts, without the intervention of a jury, provided the fine does not exceed ten dollars nor the imprisonment twelve hours. It shall be lawful for him to take depositions, and certify the same, to be read in any cause pending in any court in this Commonwealth. He shall keep a record of the proceedings in his court, a copy of which, duly certified, shall be evidence in all courts, and have the same effect as copies of other records. The records and papers of his office shall be delivered by the police judge, on the expiration of his term, to his successor: *Provided, That*

all trials before him shall be held in the city of Frankfort: *And provided further*, That in all cases mentioned herein, which are made penal by general laws of the State, and which are cognizable in the circuit courts, the jurisdiction of the police judge shall not be exclusive of, but concurrent with, the Franklin circuit court.

§ 24. That the police judge shall issue his process in the name of the Commonwealth, as other warrants, and make them returnable before him as police judge of the city of Frankfort, which process may be directed to the marshal of the city of Frankfort, or to the sheriff or any constable of Franklin county, or to any other officer authorized by law to execute similar process, and shall be executed and returned by such officer under like pains and penalties as in other cases: *Provided, however*, That when any prosecution is instituted or carried on for a violation of the charter, ordinances, or rules or regulations of the city of Frankfort, or at the instance of the board of councilmen, the warrant shall state that the proceeding is prosecuted in the name of said board of councilmen; and in all such cases the fine or penalty received, after deducting fees and costs, shall be paid into the city treasury; but, in case the defendant or defendants in such case are acquitted, no fees or costs shall be recovered against the city; and, in cases of judgment, the city shall be liable for costs only in the event of its collection in money, or discharge by labor under the judgment. The police judge shall be entitled to a fee of one dollar for a peace warrant, or for a warrant for a riot, rout, unlawful assembly, breach of the peace, or affray, or for any misdemeanor, or for a breach of any of the laws in relation to said city, or of any of the ordinances, by-laws, rules or regulations of said city; and in all other cases he shall be entitled to charge and collect the same fees as are allowed other officers by law for similar services, and may issue his fee bills, and distrain for their collection the same as other officers, and shall be subject to the same penalties as are imposed on other officers for issuing and collecting illegal fee bills.

§ 25. That a city attorney for the said city of Frankfort shall be elected annually, at the same time and place, and in the same manner, as the members of the board of councilmen, who shall be the law officer of the board, and whose duty it shall be to attend, on behalf of the city, to all suits, motions, and prosecutions by or against the city, and to give advice, when called upon by any officer of the city, as to his official duty, and to perform such other services as the board may require of him. He shall receive for his services such compensation, either by way of sal-

1869.

Courts held in Frankfort. When jurisdiction concurrent with other courts.

Shall issue process in name of Commonwealth. How process returnable and directed.

When warrant shall state that the proceeding is in the name of the board of councilmen.

When city liable for costs.

Fees of police judge.

May issue fee bills.

City attorney—when elected.

His duties.

His compensation.

1869. ary or part of fines imposed, as the board of councilmen shall deem reasonable.

Gas & water-works shall be under control and management of board.

May distribute same in public grounds.

Penalty for injury to gas or water-works, or for corrupting water, \$100 to \$5,000, recoverable by motion in Franklin circuit court.

Board may fix less penalties, recoverable before police judge.

Mechanics' lien

Shall continue though possession of employer cease.

§ 26. The entire control and management of the gas-works and water-works shall be under the direction of the board of councilmen and such superintendent and officers as they may appoint; and the said board may, by ordinance or order, make all needful regulations concerning the same; may regulate, from time to time, the mode and manner in which the water and gas may be enjoyed, and may make such contracts with individuals or corporations for the use and enjoyment thereof, and make and receive such covenants and stipulations in said contracts, as they may deem necessary. They may distribute the same through any public grounds and buildings within the city, and for that purpose permission is hereby granted them to enter the public grounds and buildings. Any person who shall willfully or maliciously injure the said gas or water-works, or any portion of the same, or any of the fixtures or appurtenances thereof, or shall attempt to divert the water or gas with which they may be supplied, or corrupt the water within said city or the spring from which the same is supplied, or any well or cistern within the city, shall, for every offense, be subject to a penalty of not less than one hundred nor more than five thousand dollars, recoverable by motion in the Franklin circuit court, in the name of the board of councilmen of said city; upon the trial of such motion a jury shall be empaneled, who shall assess the amount of the penalty between the aforesaid limits of one hundred dollars and five thousand dollars: *Provided*, That the board of councilmen may, by ordinance, affix such lesser penalties for violations of the regulations of the board in relation to said works, &c., as they may deem proper, not exceeding one hundred dollars, recoverable by warrant before the police judge of said city.

§ 27. I. That the carpenters, joiners, brick-masons, stone-masons, plasterers, turners, painters, brick-makers, lumber merchants, and all others performing labor or furnishing materials for the construction or repair of any building within the city of Frankfort (journeymen excepted), shall have a lien, to the extent of their respective interests, upon the building they may construct or repair, or towards the construction or repairing of which they may have furnished materials, and also upon the lot or tract of land on which such building is situate, which lien shall extend to the interest of the employer or employers in and to such building and lot or land.

II. If such employer or employers hold or claim by executory contract, and, for any cause whatever, such executory contract shall be set aside or rescinded, the

lien herein given shall continue, so far as the person or persons to whom the same may come, or with whom it may remain by reason of such rescission or setting aside, shall be advantaged by such building, repairing, or materials furnished.

1869.

III. Where the employer or employers shall, by judgment at law or decree in equity, be evicted from the premises, and shall, by the rules of law or equity, be entitled to compensation from the successful claimant for improvements made on the premises, the person or persons who, under the provisions of this act, have liens, as against such employer or employers, shall, to the extent of their liens respectively, be substituted for the person evicted, and recover compensation from the successful claimant, so far as by law or equity such claimant is bound to make compensation to the person evicted.

When employer evicted, lien shall attach to property in hands of successful claimant.

IV. The liens herein declared shall exist against private corporations, private quasi corporations and societies, or trustees holding estates for charitable uses, whether the building, repairing, or furnishing of materials shall be done or furnished at the request of such corporation, quasi corporation, society, or trustees, or by servants or agents authorized by parol or otherwise.

Shall exist against corporations, quasi corporations, trustees, &c.

V. That all and every person or persons claiming a lien, in virtue of this act, shall, within six months after the completion of the building, or repairing, or furnishing materials, or within six months after the cessation of the work thereon by order of him, her, or them against whom the lien is sought to be enforced, file in the clerk's office of the Franklin county court his, her, or their accounts, specifying the lien claimed, which shall operate as a notice to the world of such lien; and no lien shall exist in favor of any person or persons, in virtue of this act, who shall not have filed such accounts within the time aforesaid, or proceed, within one year, by suit, to enforce such lien, in which latter case the *lis pendens* shall be construed to commence from the time of the filing of such bill.

How lien to be enforced.

VI. The rules of equity for the time being, for the enforcement of liens and settlement of priorities, shall govern in cases arising under this section, both as to all persons claiming liens in virtue thereof, and all other claimants.

Priority to be determined by rules of equity.

§ 28. The inhabitants of said city of Frankfort shall have and enjoy all the benefits of the 5th section of article 3, of chapter 26, of the Revised Statutes of the State of Kentucky.

Sec. 5, art. 3, chap. 26, Rev. Stat., applied to Frankfort.

§ 29. The jail-house of Franklin county may be used by the city of Frankfort, and the authorities thereof, as

Franklin county jail may be used as a watch-house.

1869.

Jailer to receive on mittimus of police judge.

a city watch-house; and the jailer of Franklin county is authorized to receive into said jail any person committed thereto, upon a mittimus issued by the police judge of said city, and he may receive into said jail any person arrested by any police or other peace officer of said city between the hours of ten o'clock P. M., and six o'clock A. M., without such mittimus; but every person thus arrested shall be carried before the police judge or other competent authority for trial, or for examination of the charge against him, at the earliest practicable hour after such arrest.

When he may receive without mittimus.

School trustees, when elected.

§ 30. I. Three school trustees shall be elected by the qualified voters of the city of Frankfort, annually, at the same time and place and in the same manner that councilmen are elected, who, before entering upon the discharge of the duties of their office, shall take an oath for the faithful and impartial performance thereof, and execute bond, with good security, to the board of council of said city, for the faithful discharge of their official duties, and containing such other stipulations as the board may prescribe, which bond shall be approved by the board of councilmen, noted on the proceedings thereof, and preserved by the clerk of the board. Suit may be brought on said bond by any person aggrieved in any court of competent jurisdiction, held within the county of Franklin.

Oath & bond of.

School fund.

II. All moneys, taxes, and revenues dedicated to the uses of the public school of said city of Frankfort, shall be dedicated and set apart in a separate fund, to be entitled the "School Fund," and the treasurer shall keep a separate account of said fund, and the moneys belonging thereto, which moneys shall not be used for other purposes than the support or conduct of the public school within the city, either in the employment of necessary teachers, the erection, repairs, or completion of the necessary buildings for the use of said school, or the necessary furniture, fixtures, and apparatus for the same; and all collecting officers, as well as the treasurer, shall keep said school moneys separate and apart from the other funds of the city; and the marshal, in making payments to the treasurer on account of taxes collected, shall state the amount thereof which belongs to said school fund.

Separate account to be kept of, and shall be used for no other purpose than the support of school or school buildings, &c.

All collecting officers to keep school money separate from other money.

Marshal shall state amount of school money when he makes payment to treasurer.

What money shall compose school fund.

III. The said school fund shall consist of the *pro rata* due the city of Frankfort from the Treasury of the State of Kentucky, on account of the common school fund, of all moneys arising from the taxes levied and collected under and pursuant to the act, entitled "An act for the better organization of public schools in the city of Frankfort," approved February 27th, 1867, which having been

ratified by a vote of the said city, is declared in full force so far as to make it the duty of the board of councilmen of said city to levy and cause to be collected, annually, a tax of twenty-five cents on each one hundred dollars' worth of taxable property in said city for the benefit of the school fund, and such other moneys as may, by law or ordinance of the board of councilmen, be provided, set apart, and dedicated thereto.

IV. The said trustees may elect one of their number chairman and one secretary, and shall have exclusive control of the appointment of teachers, regulation of school discipline, course of study, examinations, and other matters of regulation and appointment in the common schools in said city. They may appoint examiners and prescribe qualifications for teachers and pupils. They shall fix the compensation of teachers and regulate the payment thereof out of the school fund, and shall have exclusive control of the said school fund, and direct its disbursement by the treasurer; and shall have power to expend said moneys in the interests of common schools within said city, payment of which shall be made by the treasurer on the order of said trustees, certified by the president thereof, to the extent of the moneys in said fund at any time: *Provided*, That all contracts, other than for the employment of a teacher at a stated salary, involving the expenditure of a greater sum than two hundred and fifty dollars made by said trustees, shall be approved by the board of councilmen; and no expenditure of a greater sum than two hundred and fifty dollars shall be made by them without the approval of said board of council, which shall be certified to the treasurer before payment. The said trustees shall report semi-annually to the board of councilmen, and oftener if so required, embracing a full statement of their official acts. Any vacancy in the office of school trustee shall be filled by temporary appointment by the board of councilmen till the next regular election; and all resignations of trustees must be to the said board of councilmen, who shall have a general supervising control over the financial and prudential interests of the public schools within the said city, all of which shall be free to free white persons resident in said city between the ages of six and twenty years.

V. The board of councilmen may provide for the completion of the public school building now partially completed in said city, as authorized by act passed at the present session of the General Assembly, and may hereafter build, purchase, or procure any addition to said building, or any additional buildings or grounds, which may be necessary for common school purposes; and the said city school building now in course of completion,

1869.

Board to levy and collect tax of 25 cents annually.

Trustees may organize and shall have exclusive management of city school.

May appoint examiners and prescribe qualification of teachers.

Fix compensation and regulate payment.

Direct disbursement of school fund.

Treasurer to pay on order of trustees.

All expenditures of more than \$250 must be approved by board.

Trustees to make semi-annual report to board.

Vacancy filled by board.

Resignation. Board to have general supervising control of the financial and prudential interests of public schools.

Schools to be free to white children between 6 and 20 years old.

Board may provide for necessary school buildings and grounds.

1869.

School property not liable for debts of city or to taxation.

Property of negroes exempt from school tax

Taxes of South Frankfort to be appropriated only to that side of river.

No money of North Frankfort to be expended south of the river.

School tax and Major Hall debt common to both North & South Frankfort.

Conflicting acts repealed.

and the grounds whereon it is located, and any buildings or grounds which shall hereafter be acquired for common school purposes, shall not be diverted therefrom, nor shall the same be liable for any debt of the city other than a debt contracted for the purchase, erection, or repairs thereof or thereon, and shall be exempt from taxation for any purpose whatever, State, county, or city.

VI. All property of negroes and mulattoes within the city of Frankfort shall be exempt from taxation for common school purposes under this act.

§ 31. That the board of councilmen of the city of Frankfort shall so apportion the taxes collected for city purposes that the amount of taxes collected from persons and upon property residing or located on the south side of Kentucky river shall be expended on that side of the river; and in no case shall the moneys collected on the north side of the river be expended on the south side: *Provided*, That in the matter of the school fund, and the indebtedness or liability of the city incurred to raise money to complete the building, and all liabilities hereafter to be incurred in aid of said school, and in the case of any indebtedness or liability incurred, or to be incurred, on account of the contract with John Haly in regard to the erection of "Major Hall," and any tax which may be levied or collected to pay the principal or interest of such debts or liability, or to increase or sustain the said school fund, shall be assessed equally upon the residents and property of both sides of the river within the city limits.

§ 32. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 33. This act shall be in force from and after its passage.

Approved March 16, 1869.

CHAPTER 2169.

AN ACT for the benefit of the Southern Mutual Life Insurance Company, of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts may receive from the Southern Mutual Life Insurance Company, of Kentucky, and may hold the same as security for the benefit of all assured in said company, bonds of the State of Kentucky, or of any of the States of the United States, or of the United States, or the bonds of any railroad corporation, or of any county or city of this State authorized to be issued by an act of this General Assembly, or bonds or

mortgages on unencumbered real estate in this State (worth seventy-five per cent. more than the amount loaned thereon); and said securities, when so deposited, shall be held for the uses aforesaid: *Provided*, That said Auditor may, at any time, permit the withdrawal of any of said securities upon the substitution of others of equal value: *And provided further*, That all interest accruing upon such securities may be collected by said company, and for that purpose coupons of any bonds or other securities, so deposited, may be detached from time to time, as the interest matures, and may be delivered to the company.

§ 2. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2170.

AN ACT to amend an act to incorporate the Mount Carmel and Fox Spring Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Mount Carmel and Fox Spring Turnpike Road Company," approved February 15th, 1868, is hereby amended as follows: Said company are hereby authorized to so locate and build their road as to intersect the Flemingsburg and Clarksburg road east of the place of Henry Arnold.

§ 2. The ninth section of the act to which this is an amendment is hereby repealed.

§ 3. That as soon as said company finish their road two and a half miles, and a bridge across Fleming creek, and have the same in good condition for the use of the public, they shall be authorized to erect a gate and collect three fourths of full toll for traveling five miles on turnpike roads in the State of Kentucky, as now allowed by the general laws of the State on that subject.

§ 4. This act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2171.

AN ACT to amend an act, entitled "An act to amend the Charter of the Masonic Fraternity of Louisville," approved February 2d, 1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Masonic Temple Company, of Louisville, Kentucky, shall have power and authority to issue the bonds of said company,

1869. bearing interest at a rate not exceeding eight per cent. per annum, and payable at such times and places, and in such sums as they may designate, and may sell said bonds: *Provided*, The amount of said bonds so issued shall not exceed in the aggregate the sum of twenty-five thousand dollars. Said bonds shall be signed by the president and countersigned by the secretary and treasurer of said company, and be under the seal thereof.

§ 2. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2172.

AN ACT to incorporate the Ballardsville and Christiansburg Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company created. § 1. That a company is hereby created with corporate powers and corporate succession, under the name of the Ballardsville and Christiansburg turnpike company, for the purpose of making a turnpike or gravel road, from the town of Ballardsville, in Oldham county, by way of Chestnut Grove Meeting-house, to Christiansburg, in Shelby county.

Capital stock. § 2. That the capital stock of said company shall be fifty thousand dollars, and may be increased, if necessary, to the completion of said road, and shall be divided in shares of twenty-five dollars each.

Commissioners to receive subscription of stock. § 3. That books for subscription of stock may be opened at such times and places as may be deemed best, by the following named commissioners, under whose direction the stock may be subscribed, viz: W. D. Callaway, Samuel Ellis, W. C. Callaway, J. F. Hopkins, W. T. Hardin, T. G. Dunlap, John A. Hornsby: *Provided, however*, Any three or more of the foregoing named commissioners, who may first organize under this charter, shall have the same authority as if all should act.

Obligation of subscribers. § 4. That such of the commissioners appointed by this act to open books for the subscription of the capital stock of said company as may act, shall procure one or more books, and the subscribers to the stock of said company shall enter into the following obligation written in said book or books, viz: We, whose names are hereunto subscribed, do promise to pay to the president, directors, and company of the Ballardsville and Christiansburg turnpike company the sum of twenty-five dollars for each share of stock in said company set opposite our names, in such manner and proportions, and at such times, as shall be required by the president and directors of said company.

§ 5. The books for the subscription of stock shall remain open until the whole of the capital stock, or enough to complete the road, shall have been subscribed; and persons may subscribe at any time until the books are closed.

1869.

How long books to remain open.

§ 6. So soon as two thousand dollars shall be subscribed, it shall be the duty of some one or more of such acting commissioners to give notice, by written or printed notices, posted up at three places on the line of said road where the money is to be expended, and at such other places as needful, to notify the stockholders of said company that a meeting of the stockholders of said company will be held at such time and place as may be named by the commissioner or commissioners, who shall give the notice for the purpose of choosing a president and a board of directors for said company at least ten days before the day of such meeting; at which meeting, such of said commissioners as may be present shall proceed to hold an election, by taking the votes by ballot of the stockholders, in person or by proxy, and each stockholder shall be entitled to one vote for every share of stock subscribed by him or her for each of the officers of the company, at which meeting the person receiving the largest number of votes for that office shall be declared duly elected president of the company, and of the three directors shall be chosen in the same manner. The president and three directors shall constitute all the officers of the company, except a treasurer, who shall be chosen in the same manner as the president. All of said officers shall hold their offices for a term of one year, and until their successors are elected and qualified. The president and directors, before entering upon the duties of their offices, shall take an oath before some justice of the peace or other magistrate of the State of Kentucky, that they will faithfully perform the duties of their offices according to the best of their judgment. The treasurer, before entering upon the duties of his office, shall give bond with good security, conditioned that he will faithfully discharge all the duties of said office, and will pay out all moneys that may come into his hands as such whenever and to whomever the president and board of directors may order; and in default of his compliance with any of the above conditions, he will pay to said company whatever damage may result to the said company by reason of such failure.

When president and directors to be elected.

How stock voted.

Officers of company.

Term of office.

To take oath.

Treasurer to give bond.

§ 7. That the Ballardsville and Christiansburg turnpike company shall by that name have perpetual succession, and shall be capable of taking, holding, and of purchasing, selling, and conveying, in fee simple, all such real, personal, or mixed estate as may be necessary to carry out the objects of this enactment; and may sue and be sued in all the courts of this Commonwealth as natural persons

Corporate powers.

1869.

May erect one
gate, & collect
toll.

may do, and do all and every thing which a body-politic and corporate may lawfully do. That said company may erect one toll gate and toll-house, at any point on their said road, whenever the same is completed so as to be reasonably convenient for travel, and not before; and they are authorized to continue such gate, and to charge and collect any rate of tolls which may be fixed by order of the president and board of directors of said company, not exceeding the rates named in the third section of chapter one hundred and three of the Revised Statutes of Kentucky, which section is referred to and made part of this act.

Right of way,
how obtained.

§ 8. If the president and directors of said company do not, by purchase or agreement with the owners of lands, or their agents, through which it is proposed to make said road, procure the right and privileges necessary to enable them to make said road where they wish, they shall or may apply to the county court of Shelby or Oldham county, as the case may be for, and said court shall issue a writ of *ad quod damnum* to ascertain and assess the damages which may be sustained by such owners; and such writ shall require the sheriff of said county to summon a jury of housekeepers of the county, not of kin to the said owner, which jury, under the direction of said sheriff, shall assess said damages; and in doing so the jury shall take into consideration the advantages and disadvantages resulting to the party claiming damages by the establishment of said road; and upon the payment or tender to such owner of the damages so assessed, it shall be lawful for the president and directors of said company to open and make said road, and dig and carry away any stone, gravel, earth, or other material necessary for the construction or repairing of said road. The said sheriff shall return said writ, with the verdict or assessment of the jury, to the clerk of the Shelby or Oldham county court, as the case may be.

How to con-
duct election of
officers.

§ 9. All elections of officers, after the first held under this charter, shall be held and conducted by some justice of the peace for Oldham or Shelby county, at such time and place as may be fixed by the president and board of directors; and they shall fix such time and place, once in each year, of which they shall give notice, by posting up written or printed notices thereof, at three or more public places in the neighborhood of the road, for ten days; and they shall procure a justice of the peace to hold such election; and upon their failure to comply with the duties required of them in this section, for three months at any time, any five of the stockholders may give notice, and cause such election to be held, which election shall be as valid as if otherwise held: *Provided, however,* That no stockholder shall vote or be entitled to any of the rights of

a member of said company unless the whole amount due from him on each share by him held shall have been paid as required by the president and directors of the company.

1869.

§ 10. That the president and directors of said company shall have power to pass all by-laws necessary to promote the interest of the stockholders, and to superintend the construction of said road, and to carry out the objects of this enactment. May make by-laws.

§ 11. The president may call meetings of said board of directors at such times and places as he may think best. A majority of the directors shall constitute a quorum, and in the absence of the president a majority of the directors may elect a president *pro tem*. Called meetings, quorum, &c.

§ 12. The written or printed certificate of the president, countersigned by the treasurer, shall be evidence of ownership of stock, and the same shall be transferable on the books of the company, in person or by attorney, when all arrearages have been paid, and not until then. Stock transferable.

§ 13. The president and directors of said company may, if they see proper, make the beginning point at either the Eminence and Shelby, or at the Smithfield and Shelbyville turnpike road, and run either way. Beginning point.

§ 14. The president, during his term of office, shall not be entitled to vote only in case of tie, and then shall give the casting vote. President to vote in case of tie only.

§ 15. The president and directors may fill all vacancies occurring in their board, or of the office of treasurer of the company, until the next regular election. Vacancies, how filled.

§ 16. This act shall take effect from its passage.

Approved March 18, 1869.

CHAPTER 2173.

AN ACT to incorporate the Louisville Medical Monthly.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. M. Bullitt, John Goodman, J. A. Ochterlong, Donald Maclean, R. F. Logan, J. D. Burch, and S. P. Breckinridge, and their successors, be, and they are hereby, constituted a body-politic and corporate, by the name of the "Louisville Medical Monthly;" and by that name shall have succession; may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; they may enact and put in force such rules, by-laws and regulations, for the management, government and control of the property, business, and affairs of said corporation as they may deem proper, and alter, amend, or repeal

1869. the same at will; and they may do whatever lawful act may be requisite and necessary for carrying out the objects of the corporation.

§ 2. The said corporation is authorized and empowered to engage in the printing and publishing of a medical or literary journal, or both combined, as they shall see fit, upon such terms and conditions, and for such considerations as to circulation and advertisements, as may be agreed upon by special or general contract; and to that end, said corporation may purchase or otherwise acquire all such real and personal property, goods, chattels, and other things, as may be requisite and necessary for carrying out the purposes for which it is created; and said corporation shall be entitled to and may exercise all the rights, powers, and privileges of a natural person over any property or thing it may in any manner acquire.

§ 3. The capital stock of said company may be any amount, not exceeding twenty-five thousand dollars, the persons named in the first section of this act, or their successors, may deem proper, and may be divided into shares of any par value they may choose; and the same may be subscribed and paid, or secured to be paid, upon such terms and conditions as they may prescribe; and the same shall be sold and transferred as the by-laws may direct. The said persons named in the first section of this act may provide in the by-laws for the mode of their own succession; and they may elect or appoint such officers, agents, and servants as may be necessary for conducting the business and affairs of the corporation, and remove them at will.

§ 4. This act shall be in force from and after its passage.

Approved March 16, 1869.

CHAPTER 2174.

AN ACT to amend the Charter of the Clark County Agricultural Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all elections for officers of the Clark County Agricultural Society, that two directors shall be chosen from each civil district in said county; and that the said directors shall have power to prohibit all hucksters from selling any article within one half mile of the grounds on which said society may hold their fair, during the week of the holding of said fairs.

§ 2. That during the week of the holding of said fairs, the police force employed by said society shall have juris-

diction within one mile of the grounds on which said fairs are held.

1869.

§ 3. That until a permanent fair ground is obtained by said society, every person paying annually five dollars shall be deemed to be a member of said society, and entitled to all the rights and privileges of a member.

§ 4. This act shall be in force from its passage.

Approved March 16, 1869.

CHAPTER 2175.

AN ACT to incorporate the Deposit Bank of Lebanon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John A. Burton, Fletcher Wilson, Thomas Irvine, John B. Carlile, R. C. Harris, A. F. Gowdy, and Joseph Spalding, together with their associates, successors, and assigns, be, and they are hereby, appointed and made a corporation and body-politic, under the name and style of the Deposit Bank of Lebanon.

§ 2. The capital stock of the institution shall be fifty thousand dollars, divided into shares of one hundred dollars each, which shall be personal estate, and transferable only on the books of the company in such manner and subject to such regulations as the board of directors may prescribe.

§ 3. That the said corporation shall pay to the State of Kentucky one half of one per cent. per annum on its capital stock, and be exempt from all other State, county, and municipal taxes on its capital and business.

§ 4. That the provisions of an act to incorporate the Deposit Bank of Georgetown be, and the same are hereby, applied to this corporation, omitting so much as has been embraced in the preceding sections, and substituting the name of Lebanon where Georgetown occurs, and Marion where Scott occurs.

§ 4. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2176.

AN ACT to incorporate the Kentucky River Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. H. Graddy, V. L. Moore, James Sublett, S. H. Robertson, Thomas Edwards, E. N. Berryman, Moreau Brown, Capt. Akin, Armstead Miller, R. J. McQuiddy,

1869.

C. Miller, A. J. Miller, Ben. W. Williams, H. Wither-
spoon, and A. C. Higbee, and their associates and suc-
cessors, be, and they are hereby, incorporated into a
company, under the name of "The Kentucky River Trans-
portation Company," and given power under that name to
contract and be contracted with, to sue and be sued, and
to have and use a common seal, and to break, alter, and
renew the same at pleasure.

§ 2. That the management of the affairs and business
of said company shall be conducted by five directors, all
of whom shall be stockholders; said directors shall be
elected for one year, and shall hold their offices until their
successors are elected and enter on the discharge of their
duties. The first election shall be held as hereinafter di-
rected, and the others on the fourth Monday in the month
of May of each year, notice of which shall be given, first
by advertisement in some newspaper published in Ken-
tucky, and by notices posted at the court-house door in
Versailles and Lawrenceburg, at least five days before the
election: *Provided*. That if no election is held on the said
day, it may be held at any subsequent time within three
months therefrom. Said directors shall appoint one of
their number to act as president, and they may appoint
and employ such other officers, agents, and servants as to
them may seem best, and may fill all vacancies that hap-
pen in their own body.

§ 3. That E. N. Berryman is hereby appointed commis-
sioner and temporary treasurer of said company, and as
such, is authorized to open books, and receive subscrip-
tions to and payments on stock in said company. The
capital stock of said company shall not exceed seventy-
five thousand dollars (\$75,000), to be divided into shares of
one hundred dollars each. As soon as one hundred shares
of stock have been subscribed, and ninety dollars on each
share paid in, said Berryman shall hold an election for five
directors, after having given the notice mentioned in sec-
tion two; and upon the election of said officers the com-
pany may and shall be considered fully organized, and
may proceed to business. At all elections each stockholder
shall have one vote for each share of stock he may own,
which vote may be cast in person or by proxy.

§ 4. Said company shall have power to buy, own, hold,
and lease and sell steamboats, barges, tugs, and other
water crafts; to navigate, manage, and control and run
the same on the Kentucky river and all other navigable
streams, and to carry freight and passengers, and make
such contracts and charges for so doing as may be agreed
upon, provided the same be not inconsistent with the gen-
eral laws of the Commonwealth; said company may also
buy, deal, and traffic in coal, wood, lumber, salt, lime, and

cement, and may own and hold such real and personal estate as may be necessary for carrying out the powers herein granted.

1869.

§ 5. The directors elected at the first election shall hold their offices until the May election in the year 1870, at which time the first annual election shall be held. If, from any reason, said Berryman should fail or refuse to act as commissioner and treasurer, as aforesaid, then a majority of said corporators shall have power to appoint some other person in his stead. This company shall have succession for thirty years.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 16, 1869.

CHAPTER 2178.

AN ACT to amend the Charter of the Elizabethtown and Tennessee Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Elizabethtown and Tennessee railroad company be, and the same is hereby, so amended as to provide, that if one million and a half of dollars is not subscribed to the capital stock of said railroad company within twenty months after the date of the passage of said charter, that the subscription authorized by the voters of Adair county shall be held as null and void.

§ 2. That this act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2179.

AN ACT to authorize the Trustees of Hardinsville to grant John M. Lucas license to keep Tavern.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the trustees of the town of Hardinsville to grant John M. Lucas a license to keep a tavern. Said Lucas shall be governed in all respects by the laws now in force in regard to taverns. He shall execute bond with approved securities, for the faithful performance of his duties, and pay to the trustees aforesaid ten dollars for said license.

§ 2. This act to take effect from and after its passage.

Approved March 16, 1869.

1869. bearing interest at a rate not exceeding eight per cent. per annum, and payable at such times and places, and in such sums as they may designate, and may sell said bonds: *Provided*, The amount of said bonds so issued shall not exceed in the aggregate the sum of twenty-five thousand dollars. Said bonds shall be signed by the president and countersigned by the secretary and treasurer of said company, and be under the seal thereof.

§ 2. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2172.

AN ACT to incorporate the Ballardsville and Christiansburg Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company created. § 1. That a company is hereby created with corporate powers and corporate succession, under the name of the Ballardsville and Christiansburg turnpike company, for the purpose of making a turnpike or gravel road, from the town of Ballardsville, in Oldham county, by way of Chestnut Grove Meeting-house, to Christiansburg, in Shelby county.

Capital stock. § 2. That the capital stock of said company shall be fifty thousand dollars, and may be increased, if necessary, to the completion of said road, and shall be divided in shares of twenty-five dollars each.

Commissioners to receive subscription of stock. § 3. That books for subscription of stock may be opened at such times and places as may be deemed best, by the following named commissioners, under whose direction the stock may be subscribed, viz: W. D. Callaway, Samuel Ellis, W. C. Callaway, J. F. Hopkins, W. T. Hardin, T. G. Dunlap, John A. Hornsby: *Provided, however*, Any three or more of the foregoing named commissioners, who may first organize under this charter, shall have the same authority as if all should act.

Obligation of subscribers. § 4. That such of the commissioners appointed by this act to open books for the subscription of the capital stock of said company as may act, shall procure one or more books, and the subscribers to the stock of said company shall enter into the following obligation written in said book or books, viz: We, whose names are hereunto subscribed, do promise to pay to the president, directors, and company of the Ballardsville and Christiansburg turnpike company the sum of twenty-five dollars for each share of stock in said company set opposite our names, in such manner and proportions, and at such times, as shall be required by the president and directors of said company.

§ 5. The books for the subscription of stock shall remain open until the whole of the capital stock, or enough to complete the road, shall have been subscribed; and persons may subscribe at any time until the books are closed.

1869.

How long books to remain open.

§ 6. So soon as two thousand dollars shall be subscribed, it shall be the duty of some one or more of such acting commissioners to give notice, by written or printed notices, posted up at three places on the line of said road where the money is to be expended, and at such other places as needful, to notify the stockholders of said company that a meeting of the stockholders of said company will be held at such time and place as may be named by the commissioner or commissioners, who shall give the notice for the purpose of choosing a president and a board of directors for said company at least ten days before the day of such meeting; at which meeting, such of said commissioners as may be present shall proceed to hold an election, by taking the votes by ballot of the stockholders, in person or by proxy, and each stockholder shall be entitled to one vote for every share of stock subscribed by him or her for each of the officers of the company, at which meeting the person receiving the largest number of votes for that office shall be declared duly elected president of the company, and of the three directors shall be chosen in the same manner. The president and three directors shall constitute all the officers of the company, except a treasurer, who shall be chosen in the same manner as the president. All of said officers shall hold their offices for a term of one year, and until their successors are elected and qualified. The president and directors, before entering upon the duties of their offices, shall take an oath before some justice of the peace or other magistrate of the State of Kentucky, that they will faithfully perform the duties of their offices according to the best of their judgment. The treasurer, before entering upon the duties of his office, shall give bond with good security, conditioned that he will faithfully discharge all the duties of said office, and will pay out all moneys that may come into his hands as such whenever and to whomever the president and board of directors may order; and in default of his compliance with any of the above conditions, he will pay to said company whatever damage may result to the said company by reason of such failure.

When president and directors to be elected.

How stock voted.

Officers of company.

Term of office.

To take oath.

Treasurer to give bond.

§ 7. That the Ballardsville and Christiansburg turnpike company shall by that name have perpetual succession, and shall be capable of taking, holding, and of purchasing, selling, and conveying, in fee simple, all such real, personal, or mixed estate as may be necessary to carry out the objects of this enactment; and may sue and be sued in all the courts of this Commonwealth as natural persons

Corporate powers.

1869.

May erect one
gate, & collect
toll.

may do, and do all and every thing which a body-politic and corporate may lawfully do. That said company may erect one toll-gate and toll-house, at any point on their said road, whenever the same is completed so as to be reasonably convenient for travel, and not before; and they are authorized to continue such gate, and to charge and collect any rate of tolls which may be fixed by order of the president and board of directors of said company, not exceeding the rates named in the third section of chapter one hundred and three of the Revised Statutes of Kentucky, which section is referred to and made part of this act.

Right of way,
how obtained.

§ 8. If the president and directors of said company do not, by purchase or agreement with the owners of lands, or their agents, through which it is proposed to make said road, procure the right and privileges necessary to enable them to make said road where they wish, they shall or may apply to the county court of Shelby or Oldham county, as the case may be for, and said court shall issue a writ of *ad quod damnum* to ascertain and assess the damages which may be sustained by such owners; and such writ shall require the sheriff of said county to summon a jury of housekeepers of the county, not of kin to the said owner, which jury, under the direction of said sheriff, shall assess said damages; and in doing so the jury shall take into consideration the advantages and disadvantages resulting to the party claiming damages by the establishment of said road; and upon the payment or tender to such owner of the damages so assessed, it shall be lawful for the president and directors of said company to open and make said road, and dig and carry away any stone, gravel, earth, or other material necessary for the construction or repairing of said road. The said sheriff shall return said writ, with the verdict or assessment of the jury, to the clerk of the Shelby or Oldham county court, as the case may be.

How to con-
duct election of
officers.

§ 9. All elections of officers, after the first held under this charter, shall be held and conducted by some justice of the peace for Oldham or Shelby county, at such time and place as may be fixed by the president and board of directors; and they shall fix such time and place, once in each year, of which they shall give notice, by posting up written or printed notices thereof, at three or more public places in the neighborhood of the road, for ten days; and they shall procure a justice of the peace to hold such election; and upon their failure to comply with the duties required of them in this section, for three months at any time, any five of the stockholders may give notice, and cause such election to be held, which election shall be as valid as if otherwise held: *Provided, however,* That no stockholder shall vote or be entitled to any of the rights of

a member of said company unless the whole amount due from him on each share by him held shall have been paid as required by the president and directors of the company. 1869.

§ 10. That the president and directors of said company shall have power to pass all by-laws necessary to promote the interest of the stockholders, and to superintend the construction of said road, and to carry out the objects of this enactment. May make by-laws.

§ 11. The president may call meetings of said board of directors at such times and places as he may think best. A majority of the directors shall constitute a quorum, and in the absence of the president a majority of the directors may elect a president *pro tem*. Called meetings, quorum, &c.

§ 12. The written or printed certificate of the president, countersigned by the treasurer, shall be evidence of ownership of stock, and the same shall be transferable on the books of the company, in person or by attorney, when all arrearages have been paid, and not until then. Stock transferable.

§ 13. The president and directors of said company may, if they see proper, make the beginning point at either the Eminence and Shelby, or at the Smithfield and Shelbyville turnpike road, and run either way. Beginning point.

§ 14. The president, during his term of office, shall not be entitled to vote only in case of tie, and then shall give the casting vote. President to vote in case of tie only.

§ 15. The president and directors may fill all vacancies occurring in their board, or of the office of treasurer of the company, until the next regular election. Vacancies, how filled.

§ 16. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2173.

AN ACT to incorporate the Louisville Medical Monthly.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. M. Bullitt, John Goodman, J. A. Ochterlong, Donald Maclean, R. F. Logan, J. D. Burch, and S. P. Breckinridge, and their successors, be, and they are hereby, constituted a body-politic and corporate, by the name of the "Louisville Medical Monthly;" and by that name shall have succession; may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; they may enact and put in force such rules, by-laws and regulations, for the management, government and control of the property, business, and affairs of said corporation as they may deem proper, and alter, amend, or repeal

1869. place and four hundred yards on each side of said road, from one point to the other, and opposite said points on said road.

Trustees to be elected, when and how. § 2. Hereafter the fiscal, municipal, and prudential concerns of said town shall be vested in five trustees, who shall be elected annually on the first Monday in April, in the manner hereinafter prescribed, by the free white male citizens of said town over the age of twenty-one years, and who shall have resided in the State one year and in said town sixty days previous to said election. Said trustees shall hold their office for one year, and until their successors are qualified; they shall, before they enter upon their duties, take an oath to faithfully and impartially perform the same during their continuance in office.

Term of office.

Take oath.

Body-politic, and corporate powers. § 3. Said trustees shall be a body corporate and politic, and shall be known by the name and style of "The Board of Trustees of the town of Fredonia;" and in that name may sue and be sued, contract and be contracted with, plead and be impleaded, in all courts and places; may use either a common or private seal, and do all other acts which a body-politic and corporate having perpetual succession may lawfully and rightfully do.

May make rules and regulations. § 4. The said trustees may make such rules and regulations for the government of the town of Fredonia, not inconsistent with the laws and Constitution, as they may deem necessary and proper; they may fill vacancies in their board whenever they may occur, until the next stated election; they may levy an annual tax upon the males over twenty-one years of age, residing in the town, of not exceeding two dollars per head, and may levy an ad valorem tax on the real and personal estate in the town, of not exceeding thirty cents on the hundred dollars; they may appoint a clerk, assessor, town warden, collector, and treasurer, and take from the two latter bond and approved security, for the faithful performance of their duties; they may constitute a board to do business, and may elect one of their number chairman, and also one of their number clerk of that board; they shall have power to take, purchase, and hold the title to not exceeding twenty acres of land, in or near the town, for a public cemetery; they shall have power to improve said ground and to appoint a keeper thereof, and to sell small portions of said land in lots to individuals for the interment of the dead; they shall have power to tax any show or exhibition within the town, or within a quarter of a mile of the limits thereof, to the same amount as they are taxed by the State; they may authorize a stallion or jackass to stand within the limits of the town; but must designate the place at which he is to stand;

Fill vacancies.

May levy and collect taxes.

Officers to be appointed.

Chairman and clerk.

May establish cemetery, &c.

May tax shows, &c.

May authorize standing of stallion, &c.

they shall keep a journal of their proceedings, and, at the request of any member, the ayes and nays shall be recorded. At the next meeting the proceedings shall be read and signed by the member who presided at the last preceding meeting; if he is not present, the person presiding when they are read; they shall keep an account of all moneys levied, collected, and disbursed, and state on their journal the objects for which it was disbursed. Said journal shall, at all times, be open to the inspection of the citizens of said town; they shall, at the end of each year, give a full and fair statement in writing, signed by the chairman, of all sums collected, and of all sums disbursed during the year, and for what, and of all debts due them or owing by them, which shall be posted up for inspection at two of the most public places in the town; they shall have power to declare by their by-laws what are nuisances within said town, and may abate the same, and may impose fines upon whomsoever may cause them; they shall have power to erect a suitable market-house; and for that purpose may purchase ground and regulate the market, and appoint a market-master; they may adopt such sanitive measures as they may think proper, for maintaining the health of the citizens of the town and preventing disease; they shall have plenary powers over the streets and alleys and sidewalks of the town, and shall keep the streets clean, and of good safe width and in good order; they shall have power to pass by-laws for the suppression of tippling-houses, bawdy-houses, and houses of ill-fame, gambling-houses, and all such other houses as are a common resort of idle, dissolute, and disorderly persons, and provide and enforce penalties to punish all riots, disorders, and breaches of the peace, and any indecent or licentious behavior; they shall have power to prohibit the sale of spirituous liquors within the corporate limits of the town, except by licensed physicians for medicinal purposes; they shall have all power necessary to compel the owners of lots in said town to grade and pave the sidewalks in front of their own lots of such width, and of such material, as to them may seem best. If, after reasonable notice of at least one month, the owners of said lots shall fail or refuse to so grade and pave the sidewalks in front thereof, the trustees may have the work done at the expense of the owners, and the lots shall be held responsible therefor; and if payment be delayed more than six months after the work is done, the same may be sold by the town marshal at the direction of the board of trustees. Said sale shall be at a public place on the streets in said town, after thirty days' notice having been duly posted thereof at five public places in town, and such other

1869.

To keep journal of proceedings.

To keep account of all moneys levied, collected, &c.

Annual statement to be made.

Nuisances.

Market-house.

May adopt sanitive measures, &c.

May suppress tippling-houses, &c.

Sale of spirituous liquors.

May have sidewalks graded, &c.

1869. places as the board may direct; they shall have power to cause the sidewalks in front of non-residents' lots in said town to be graded and paved, and the expense thereof shall be a lien upon said lots, for which they may be sold in the same manner that residents' lots may be sold: *Provided*, That resident owners may have one year after sale for redemption, and non-resident owners three years, by paying ten per cent. interest per annum on the amount of debt, interest and cost, and the debt itself. All conveyances of real estate under sale, made by virtue of this act, shall be made by the trustees of said town under their corporate seal.

Trustees, &c.,
to be elected.
County judge
to give certificate
of election
to judge and
marshal.

§ 5. Five trustees, a police judge, and town marshal, shall be elected annually. The polls of the election of police judge and town marshal shall be returned to the county court of Caldwell county at the first term after said election, and the clerk of the said county court shall certify the result of the election to the judge of the said court, and the said judge shall give a certificate of election to the persons elected to the office of police judge and town marshal, and the said police judge shall be a judicial officer, and be styled the police judge of the town of Fredonia.

Who conduct
election, and
when.

§ 6. The election of trustees, police judge, and town marshal shall be conducted by the clerk of the board of trustees and one or more of the trustees then in office at the time of such election, and shall be held at such place as may by the board be designated; and after the polls shall have been closed, it shall be the duty of the officers to return the same to a board of examiners of three persons to be selected by the trustees, who shall compare the same, and shall certify to the board of trustees then in office the names of the five having received the highest number of votes for trustees, and said clerk shall record said certificate in their books; and said trustees so elected shall immediately thereafter qualify and enter upon the duties of their office.

Police judge
to take oath.

§ 7. The police judge shall, before he enters upon the duties of his office, take an oath before some justice of the peace or judicial officer of Caldwell county to discharge the duties of his said office faithfully and impartially to the best of his ability, without favor or affection, together with such other oaths as other public officers may be required by law and the constitution to take. He shall have jurisdiction within said town and town district of civil causes to the same extent that justices of the peace now have or may hereafter have in this State, and shall have the same jurisdiction of crimes and misdemeanors committed within said town and town district as justices of the peace now have, and shall have full jurisdiction within

His jurisdiction.

said town of all offenses against the by-laws and ordinances of said town, and shall have power to enter judgments and issue executions for all fines and penalties for such offenses. He shall keep a record of his proceedings, copies of which shall be evidence to the same extent, and for the same purpose, that copies of the records of justices of the peace now are. He shall have power to issue subpoenas for witnesses and other process to compel the attendance of witnesses before him, and to punish all contempts against his authority by fines, not exceeding five dollars in each case. He shall have power to order the marshal or other officer to summon a jury in cases cognizable before him where a jury is required by law. He shall have power to take and certify depositions as justices of the peace now have, which shall be allowed to be read as depositions are now allowed to be read which are taken before and certified by justices of the peace. He shall be entitled to such fees for his services as justices of the peace are entitled to for like services, and shall have power to collect them in the same way. He shall have jurisdiction of all cases of motions and suits against the treasurer, marshal, clerk, and other officers of said town for all sums of money received and paid out by them, whenever required by any one to take cognizance thereof.

1869.

To keep record of proceedings.

His powers & duties.

§ 8. Appeals from all judgments rendered by said police judge shall be allowed to any party under the same rules and regulations and to the same tribunals as appeals are now allowed from judgments of justices of the peace in like cases.

Appeals may be had.

§ 9. The marshal shall have the same powers, and perform the same duties, and be liable to the same penalties, that constables of this Commonwealth are now by law or may hereafter be authorized to perform, or be subject to. And said marshal, before he enters on the duties of his office, shall take an oath for the faithful performance of his duty in the county court of Caldwell county, and shall execute a bond, with one or more good sureties, to be approved by said court, in the penalty of three thousand dollars, payable to the Commonwealth of Kentucky, with a condition similar to a bond a constable is bound to execute, and the same may be put in suit for a failure to perform the conditions thereof, by any person injured, in the same manner as suits are now authorized to be brought on a constable's bond; and said marshal shall also be subject to a motion against him and his surety before said police judge for a failure to pay over money to the person entitled to receive the same, under the same rules, regulations, and restrictions as motions are authorized to be made, or suits instituted against defaulting constables. He shall collect all taxes of said town, and other demands

Powers and duties of marshal.

To take oath and give bond, &c.

To collect taxes

1869. in any part of said county that may be put into his hands to collect, and account for and pay over the same to whomsoever may be entitled thereto, under the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection of executions and other demands. He shall be allowed such fees for the collection of town taxes as the trustees may allow: *Provided*. That said police judge shall have power and authority to direct his process to be executed by any constable of said county: *Provided*, Said marshal shall have no official power, or perform any official duties outside of the justices' district in which the town is situated.

His fees.

Vacancies,
how filled.

§ 10. If said police judge or town marshal shall refuse or fail to qualify, or the town marshal to execute bond within twenty days after his election, or if either or both of them should resign or die, so that the office becomes vacant, the board of trustees shall immediately order a special election to fill the vacancy.

In case of tie.

§ 11. If two or more persons receive an equal number of votes the old board shall decide by their votes who is elected.

Eligibility of
trustees, &c.

§ 12. No person shall be eligible to the office of trustee, police judge, or town marshal who is not a citizen of the town, and a qualified elector of this Commonwealth.

If no election
held.

§ 13. If, from any cause, no election is held at the time required by this act, the old officers shall hold over until such time as the election can take place.

Trustees, &c.,
to take oath.

§ 14. The trustees, police judge, and town marshal, before they enter upon the duties of their office, shall take the oath required by the Constitution of the State.

First board of
trustees.

§ 15. That Dr. William Kirkpatrick, T. B. Johnson, J. T. Wyatt, N. C. Byrd, and J. B. Crider, be, and are hereby, constituted a board of trustees of said town, to act in said capacity until the first election is held, and for that purpose are hereby given all the powers granted, and subject to the restrictions required by this act for a board duly elected and qualified.

§ 16. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2190.

1869.

AN ACT to amend and reduce into one the several acts relating to the Town of Uniontown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Uniontown, Union county, Kentucky, is hereby incorporated, with the following boundary: Beginning on the Ohio river, at low-water mark, at a stake twenty-five feet below the mouth of the slough, immediately below Funk's pork-house; thence south fifty-five degrees east, far enough to intersect the line of Seventh street; thence in a northeast direction with the line of, and including, Seventh street to the eastern corner of block thirty-seven; thence in a direct line to the corner of lot number two hundred and two, the corner of Francisburg; thence in a northeastern direction with the line of Francisburg, including Seventh street, far enough to include out-lots number ———; thence with the line of said out-lots to Highland creek; thence down Highland creek to the Ohio river; thence down the Ohio river, with low-water mark, to the beginning.

Boundary of town.

§ 2. The fiscal, prudential, and municipal affairs of said town shall be managed and controlled by seven councilmen, to be chosen every two years, on the first Monday in August, by the qualified voters of said town, who shall have resided therein six months before such election: *Provided, however,* That no person shall be allowed to vote at any election who has not paid his head or poll taxes against him, or who is indebted to said town for fines imposed for an infraction of the by-laws of said town. The councilmen shall hold their office for two years from and after their election, and until their successors are elected and qualified. They shall, before they proceed to act, take an oath before some justice of the peace of said county, or before any other person authorized to administer an oath, that they will faithfully and impartially discharge the duties of the office of councilmen: *Provided,* No person shall be a councilman who does not reside in said town or has not resided therein one year, or who is a vendor of spirituous liquors by license from said corporation, or is the owner or keeper of a billiard saloon or bowling saloon, or is not twenty-five years old: *Provided further,* No person shall hold the office of councilman for said town who is not a holder in his own right of real estate in said town. Any councilman becoming disqualified as aforesaid shall forthwith vacate his office. That in case a vacancy shall occur in the board of councilmen of said town, by death or otherwise, said board shall have the power to fill such vacancy by appointment until the first regular election next after such appointment, or they

Who to manage affairs of town.

Eligibility of voters.

Term of office.

To take oath.

Eligibility of councilmen.

1869. may order an election to fill said vacancy, first giving ten days' notice.

Body-politic
and corporate
powers.

§ 3. The councilmen of said town and their successors shall be a body-politic and corporate, and shall be known and styled "The Board of Councilmen of Uniontown;" and by that name may sue and be sued, in any of the courts of this Commonwealth; may contract and be contracted with; they may have and use a common seal, and alter the same at pleasure.

Meetings of
board, quorum,
&c.

§ 4. The board of councilmen may fix by their by-laws the times of their regular meetings, and the mode of calling special meetings. Four councilmen shall constitute a quorum to do business; but a less number may, by order entered of record, compel the attendance of a quorum at any regular meeting by arrest. They shall elect one of their number president, and, in his absence, may elect a president for the occasion. The officer presiding shall sign the minutes of the preceding meeting when approved by the board, and shall put questions and preserve order and give the casting vote on any question in case of a tie.

President to
be elected, his
powers & duties

May punish
disorderly con-
duct while
board in ses-
sion.

The councilmen shall have power to provide by-laws for punishing any one guilty of disorderly conduct in their presence while sitting; and shall have power to pass all by-laws and ordinances, not inconsistent with the Constitution and laws of the United States or of this State, as they shall deem right and proper for the good government of said town. They may take and hold real estate or personal property by purchase, devise, bequest, or donation, for the use and benefit of said town, and may lease or sell and convey the same; and they may lease or sell any such property now owned by them, and convey the same: *Provided, however,* That they shall not lease or sell real estate except by a vote of six councilmen, whose names shall be entered on the record.

May take and
hold real estate

Title to streets
and alleys, in
whom vested.

§ 5. That the title of the streets, alleys, and public grounds in said town shall be vested in the board of councilmen, and they may maintain any appropriate action to prevent any damage, obstruction, or injury to said streets, alleys, or public grounds, shade trees, ornamental trees, or to compel the removal of obstructions already in any of said streets, alleys, or public grounds, or to recover damages for any injury hereafter done to any of said streets, alleys, or public grounds, shade trees, &c.

May build
cisterns, dig
wells, &c.

§ 6. The board of councilmen shall have power to build cisterns and dig wells; to regulate the storage of gunpowder or other combustible material or materials of an unhealthy character which may endanger the safety of said town or the health or comfort of any of its inhabitants; they may require chimneys, flues, or stovepipes which may endanger the safety of property to be repaired or changed

so as to render them safe, and may provide by penalties for compelling obedience to their orders. They may require the owners or occupiers of property fronting on streets or alleys to keep the streets or alleys in front of them clean, and in case of failure or refusal after five days' notice in writing to such owner or occupier, they may cause the same to be done, and recover the cost of so doing of the owner or occupier of the property. They may erect a market-house and appoint a market-master and remove him at pleasure, and by their by-laws regulate and govern the market in said town, by preventing the sale of unwholesome meats, fruits, or vegetables, and may license butchers, hucksters, and others dealing in general marketing in said town, and may impose a tax for license, and enforce their ordinances on this subject by fines imposed by by-laws: *Provided, however,* That no license shall be required of those marketing the products of their own farms, dairies, orchards, or gardens. They may prevent the exhibition of stud horses or jacks on the streets or alleys of said town, or the exhibition of immoral or obscene shows or pictures in said town. They may organize fire companies and appoint the necessary officers, and provide engines, buckets, and other things necessary to the fire department. They may establish a watch-house, work-house, and appoint watchmen; and any person committed to prison by the police court of said town, and convicted of a breach of the peace, riot, affray, or unlawful assembly, or any offense against the ordinances or by-laws of said town, may, in the discretion of said police court, be confined in the work-house at hard labor during the period of his confinement. They may purchase ground in or near said town and erect a pest-house thereon, and provide by by-laws for placing and confining therein any person afflicted with a malignant contagious disease, and shall provide for the comfort and well-being of any person placed therein.

1869.

May have streets kept clean.

In relation to market-house.

May organize fire companies.

In relation to watch-house.

May erect pest-house.

§ 7. The said board of councilmen shall have power to open new streets or alleys in said town whenever they may deem it necessary or proper to do so, and may extend any of the present streets or alleys to the town limits, and may straighten or widen any of said streets or alleys.

May open new streets & alleys.

§ 8. Whenever said board of councilmen shall deem it necessary or proper to open a new street or alley, or to straighten or widen any of the old ones, and shall be unable, from any cause, to acquire, by agreement with the owner, the land required for such new street or alley, or for widening or straightening old ones, they may file their petition in the Union county court against the owner or owners of the land required, setting forth the quantity and boundary and location of the land required, on which pe-

Proceedings in relation thereto.

1869. tition summons shall issue and be served on the owner or owners, if residing in the county, and if not, then on a known agent of such owner; but if there be no known agent, then the summons shall be served on such owner, if a resident of this State; but if a non-resident of this State, such owner may be warned to appear, and proceeded against as provided in the Civil Code of Practice. When any one or more of said owners shall be properly before the court, the court shall direct a writ of *ad quod damnum* to issue as to such owner or owners, which writ shall be executed by the sheriff as in other cases. Whenever the value of the ground required for any such new street or alley, or alteration of an old one, shall have been ascertained, the court shall enter judgment condemning such land, and allowing the new street or alley to be opened, or the old one altered: *Provided, however*, That no such order shall be made until the board of councilmen of said town have paid into the court the damages assessed and cost of the proceeding: *Provided, however*, That nothing in this act shall be construed to compel the said board of councilmen to pay the damages assessed, unless, after such damages are finally ascertained, they shall elect to do so, and to open or alter the street or alley; but if they shall deem the damages assessed more than it would be expedient to pay, they may abandon the proceedings, being responsible only for cost; but, upon their doing so, the court shall enter an order annulling the order condemning the ground: *Provided further*, That either party may appeal from the judgment of the county court to the circuit court from the final judgment condemning the land or assessing the amount of damages to be paid; but no such appeal shall be taken after one year from the final judgment appealed from.

May cause
streets & alleys
to be paved, &c.

§ 9. The board of councilmen of said town shall have power to cause any of the streets or alleys in said town to be paved, graveled, or otherwise improved or repaired, and sidewalks to be made and paved with brick, or repaired or curbed with a valley, and all complete, at the discretion of the said board of councilmen; all to be done at the cost of the owners of property fronting on such street or alley; and shall ascertain and apportion the cost of such repairs or improvement among the several property-holders liable for a part thereof, according to the number of feet front owned by each, and may collect the same in the same manner that the taxes of said town are collected: *Provided*, That the necessary grading shall be done at the expense of the town: *Provided further*, That before any street, alley, or sidewalk shall be paved, curbed, guttered, or repaired, at the cost of the owners of property fronting thereon, such owners, their agents or tenants,

shall be notified of the kind and amount of improvement or repairs required to be done; and such owner, his agent or tenant, may, within three days after service of such notice, notify said board of councilmen in writing that he will repair or improve said street, alley, or sidewalk as required, within the time specified in the notice served on him, in which case he shall be allowed to do so; but if he shall fail to make the required improvements or repairs within the time and manner required, the board of councilmen may cause it to be done, and assess the cost thereof.

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§ 10. That for the cost of any improvements or repairs made by the board of councilmen on the sidewalks, streets, or alley of said town, and for the cost of which the owners of property fronting thereon are liable, the board of councilmen of said town shall have a lien on such property, which lien shall date from the commencement of the work in front of such property.

Lien may be had.

§ 11. The board of councilmen shall have the control of the sale of spirituous liquors in said town, and shall have power to license billiard tables and coffee-houses, and may, by special ordinances, require all vendors of ardent spirits in said town to close their bar-rooms and keep them closed, and not to sell any such liquors on the Sabbath day, election days, or on such other public days and occasions as may be proper; and they may require all bar-rooms and billiard saloons to be closed after a specified hour at night, not earlier than twelve o'clock, P. M.

Sale of spirituous liquors, &c.

§ 12. The board of councilmen shall have power to tax vendors of spirituous liquors, tavern-keepers, keepers of houses of public or private entertainment, coffee-house keepers, confectioners, livery stable-keepers, insurance agents, auctioneers, peddlers, brokers, gift enterprises, studs, jacks, or bulls, kept in said town, and drays, hacks, or other vehicles plying in said town for hire, except such as are owned by licensed livery stable-keepers, also shows or exhibitions exhibiting in said town; and they may tax any person doing business in said town, after the regular assessment is made for the year, such proportion as the residue of the year bears to the whole year, and this shall apply both to property or to business subject to a special tax: *Provided*, That nothing herein shall be construed to dispense with the payment to the State any taxes required by the laws of the State, or with other requirements of the State laws.

What they may tax.

§ 13. That if any vendor of ardent spirits, licensed by said board of councilmen, or any owner or keeper of any billiard table, shall permit disorderly or scandalous behavior in his house, or on his premises, or shall permit unlawful gaming, or shall fail to close his bar-room or

Penalty for permitting disorderly conduct, &c.

1869. billiard saloon in obedience to ordinances or by-laws which may be passed under the provisions of this act, or if any vendor of spirituous liquors shall permit any one to drink to intoxication in his house, they or any of them shall, on conviction before the police court of said town, be fined, for the first offense, not less than five dollars nor more than fifty dollars, in the discretion of the court, and the license of such person shall be suspended until the fine and costs are paid; and on the second conviction the fine shall not be less than twenty dollars nor more than one hundred dollars, in the discretion of the court, and the license of the offender shall be declared forfeited, and he shall not be again licensed to carry on the same business in said town for one year; and if the fine is not forthwith paid or replevied, he shall be confined in the county jail of Union county, or in the work-house of said town, one day for each two dollars of the fine and costs, or until the fine and costs are paid.

May suppress
tippling-
houses, &c.

§ 14. The said board of councilmen shall have power, by suitable ordinances or by-laws, with penalties annexed adequate for the purpose, not however to exceed one hundred dollars fine or fifty days' imprisonment, or both, to suppress tippling-houses, bawdy-houses, gambling-houses, and to punish any one guilty of rioting, disturbing the public peace, disorderly or indecent conduct or language, disturbing religious worship, schools, public speaking or lectures, or lawful public meetings, injury to the streets, alleys, public grounds, shade trees, cisterns, wells, pumps, churches, school-houses, or other public buildings or property belonging to said town, or in said town, and to pass all by-laws or ordinances as shall be necessary or proper to carry out any and all powers given by this charter, with suitable penalties annexed to said ordinances or by-laws, or for the suppression and punishment of all such disorders and irregularities as shall be prejudicial to the good order and quiet of said town. The by-laws and ordinances now in force in said town shall remain in force until changed by the board of councilmen of said town.

May levy and
collect taxes.

Assessor to be
appointed. his
power & duties.

§ 15. That the board of councilmen of said town may levy and collect annually a tax not exceeding two dollars on each one hundred dollars' worth of property in said town, both real and personal, and the same shall be assessed to the person owning it, on the first day of January in each year; and the said board of councilmen shall appoint annually an assessor, whose duty it shall be to make out a book containing a list of all property in said town taxable, with a fair valuation on it, and return the said book to the said council by the first Thursday in May of each year; for which service, the council shall make said assessor a reasonable allowance; they may also levy annually a poll-

tax of not more than three dollars, in any one year, on all the male inhabitants of said town over twenty-one years of age, and may levy a special tax on dogs, not exceeding five dollars each in one year.

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§ 16. The board of councilmen of said town may issue and sell the bonds of the town, bearing interest at not more than eight per cent., payable semi-annually, with coupons attached, whenever they shall deem it necessary and expedient for the improvement of said town. The bonds shall be payable at a period not more than twenty years from their date, to be signed by the president of the board of councilmen, and countersigned by the town clerk, with the seal of the town affixed, and the coupons shall be signed by the clerk alone: *Provided*, That the amount of bonds outstanding shall, at no time, exceed the sum of twenty-five thousand dollars.

May issue bonds.

§ 17. The board of trustees shall publish annually an account of all the money received and all the payments made out of the treasury during the year, and the amount of the debt of the town, which statement shall be verified by the president of the board.

To make annual statement

§ 18. Each board of councilmen elect shall, at their first meeting, appoint a town treasurer and clerk, and take bond from the treasurer with approved security, conditioned for the faithful disbursement of all moneys received by him as ordered by the board of councilmen, and that he will settle his accounts and pay over to his successor any balance in his hands at the expiration of his term; and the board of councilmen may, at any time, require him to renew his bond, and on his failure to do so in five days, may remove him. The clerk's duty shall be to record the proceedings of the said board of councilmen, issue all license, orders, notices, or do other writings required to be done by said board of council, and keep securely all papers, books, &c., belonging to said board of councilmen.

Treasurer & clerk may be appointed. Treasurer to give bond.

Duty of clerk.

§ 19. Said board of council shall regulate by by-laws the fees of the treasurer and clerk of said town.

Fees of treasurer and clerk.

§ 20. The marshal or other officer collecting fines, taxes, or money due for licenses, or money recovered in the name of the board of councilmen, or for their use, shall pay the same over to the treasurer, and take his receipt for the same. The treasurer shall pay out no money except on the order of the board of councilmen, certified by the clerk and indorsed by the president of said board of councilmen.

Fines, &c., to be paid to town treasurer.

§ 21. There shall be elected by the voters of said town qualified to vote for council, a police judge for said town, who shall hold his office for two years from the day of his election, or until his successor is duly elected and qualified; said election to take place at the same time and place that

Police judge to be elected.

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His jurisdiction.

the election for councilmen for said town is held. Said police judge shall have jurisdiction in all cases, civil, criminal, and penal, which may occur within the limits of said town, the same as conferred by law on a justice of the peace; and shall have jurisdiction in all cases arising under the by-laws and ordinances of said town. The time of holding his courts shall be fixed by the councilmen of said town. He shall keep a just and true record of all proceedings before him, and shall be allowed the same fees as justices of the peace on all sums under fifty dollars.

To keep record of proceedings.

Fees of police judge.

§ 22. The police judge may charge and collect the following fees: For issuing a warrant, cognizable in his court, one dollar; for swearing a jury and presiding at the trial, one dollar; for each subpoena for one or more witnesses, twenty-five cents; for a recognizance or other bond, seventy-five cents; for a recognizance to keep the peace, to be paid by the applicant, one dollar; for *fi. fa.* or *capias pro fine*, under fifty dollars, fifty cents.

Appeals may be taken.

§ 23. Either party may appeal from a judgment of said police court to the Union quarterly court in any case, when, by the provisions of the Civil or Criminal Codes of Practice, such party would have a right to appeal from a judgment of the justice of the peace; and appeals shall be taken in the same manner, within the same time, and on the same conditions, as prescribed by said Codes.

Who to preside when judge is absent, &c.

§ 24. In all cases where said judge is absent, or if present, cannot properly preside, then the president of the board of councilmen shall preside and try the case or cases; and for such purpose he shall have the same powers as said judge, being first sworn, and shall be entitled to the fees in the cases which he may try.

Fines, &c., to be paid to town treasurer.

Issuance of warrants.

§ 25. All fines imposed by the police judge of said town for violations of the town laws in said town shall be paid over by the officer collecting the same to the treasurer of said town. All warrants issued by the police judge or a justice of the peace for all violations of town ordinances committed in said town, which are cognizable in the police court, shall be in the name of the Commonwealth of Kentucky, for the benefit of the board of councilmen of Uniontown, and shall be executed by the marshal or any peace officer of the county to whom they are delivered, and returned to the police court for trial.

Vacancies, how filled.

§ 26. In case a vacancy shall occur in the office of police judge or marshal of said town, the board of councilmen shall appoint a person to fill such vacancy until the next regular election; and in case of the appointment of a police judge, the fact shall be certified to the Governor, who shall commission the person so appointed, who shall hold his office until a successor is elected and qualified.

§ 27. A marshal of said town shall be elected by the voters of said town, qualified to vote for councilmen, and shall hold his office for two years, or until his successor is elected and qualified. Said election to take place the same time that councilmen and police judge are elected. And he may, with the consent of the board of councilmen, appoint one or more deputies, who shall have the same qualifications as prescribed for the marshal, and may be removed at the pleasure of the marshal.

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Marshal to be elected.

May appoint deputy.

§ 28. The marshal and his sureties shall be liable on the marshal's bond for the acts of such deputies. The marshal shall execute bond in the Union county court as constables by law are required to do, with securities, to be approved by said court, conditioned for the faithful performance of his duties, and that he will, in due time, collect and pay over to the proper person all taxes, fines, assessments, forfeitures, or other dues of said town or other parties, placed in his hands for collection, and that he will in good faith, to the best of his skill and judgment, execute all such duties as may be required of him by the board of councilmen or are imposed by this act. The marshal shall execute all process to him directed from the police judge or other officer, for the breaches of the by-laws or ordinances of said town, or for offenses committed in said town for the violation of any of the penal laws of this State, and may execute process issued by any officer in the Commonwealth for infractions of the penal laws of this State, any process from the circuit or quarterly courts of Union county; and in civil cases he shall have the same powers, and perform the same duties, that constables are required to or may do in Union county.

Liabie for his acts
Marshal to give bonds.

Duties of marshal.

§ 29. The town marshal of Uniontown is hereby given full power to sell any property in said town, both real and personal, for the taxes levied by the council thereof; but before said marshal shall sell real estate, he must first advertise the property of residents at least ten days before such sale, and in case of non-residents at least thirty days before such sale; and in either case, the owner of said property shall have the right to redeem the same within two years from the date of said sale, by paying six per cent. per annum upon the amount of tax for which the same was sold for, and costs; and in case said property is not redeemed within the time aforesaid, then it shall be the duty of the board of councilmen of said town to order the marshal thereof to convey said property to the purchaser; for which deed the marshal shall receive two dollars and fifty cents, to be paid by the purchaser of said property; but no such sale or conveyance shall be made by a deputy marshal.

In relation to the sale of property for taxes.

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Powers of
marshal.

§ 30. The marshal of said town shall be a conservator of the peace, and it shall be his duty to arrest all persons who may be at any time guilty of a violation of any of the provisions of the by-laws or ordinances of said town, or any of the penal or criminal laws of this State, respecting the good order, peace, and tranquility of said town or any of its inhabitants; and when necessary, he may call to his aid any or all of the male inhabitants of said town or county to enable him to make arrests or quell disturbances; and any such inhabitant who shall, on being summoned by the marshal to aid him in the execution of his office, refuse to obey him, and render assistance, shall be fined not less than five nor more than fifty dollars, recoverable in the police court.

Attorney may
be employed.

§ 31. The board of councilmen may employ an attorney to prosecute offenders brought before the police court for offenses committed within the town, and for other purposes connected with the interest of said town, and may agree with him as to his compensation.

Management
of town ceme-
tery.

§ 32. The board of council of said town shall have full control and management of the town cemetery, and may appoint a sexton to take charge of it, and may provide by by-laws for protecting it from desecration, trespass, or injury, and may ornament and improve it in such manner as to them shall seem proper.

Elections,
when held and
by whom.

§ 33. All elections held under this charter shall be held at some public place in said town, to be designated from time to time by the council of said town, to be conducted by a clerk and five judges to be appointed by the said board of councilmen. The officers holding the elections shall be responsible in every way, and take the same oath as officers of other elections are by the laws of the State required to do. The poll-books of such elections shall be returned to the board of councilmen, who shall file the same with the records of the said town. The board of councilmen shall grant certificate and duplicate thereof to all persons elected by the qualified voters of said town to any office in said town.

Assessor's
book may be
corrected.

§ 34. When the assessor returns the tax-book to the council of said town, any person or persons feeling themselves aggrieved by the assessment of his or her property assessed for taxation in said town, shall have until the 10th day of July following the assessment to apply to the council of said town for a correction of said assessment. When such application is made, it shall be the duty of the board of councilmen to hear evidence in the case, and make such orders therein as they may deem just and proper, either to raise or lessen said assessment.

Money col-
lected to be
used for im-
provement of
town.

§ 35. The council of said town shall dispose of all money collected and paid into the treasury of said town

from taxes on property, licenses, fines, And forfeitures, for the improvement of the streets, wharves, and alleys in said town, and for any purpose the interest of the town may require.

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§ 36. Nothing herein shall be so construed as to affect the present status of the officers of said town until an election is held in accordance with the foregoing provisions; which election shall take place on the first Monday in August, 1870, and every two years thereafter.

Present status of officers not to be affected.

Approved March 16, 1869.

CHAPTER 2191.

AN ACT to extend an act of 1867 concerning the Lexington and Big Sandy Railroad, Western Division.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the provisions of an act of March 11th, 1867, entitled "An act to amend the charter of the Lexington and Big Sandy Railroad Company, Western Division" (Session Acts of 1867, chapter 2088, page 579), be, and the same are hereby, continued in full force for one year from 1st of March, 1869, and the company shall file their acceptance of this amendment by a writing, filed in the office of the Fayette circuit court, within six months from the passage of this act, or it shall be null and void.

Approved March 16, 1869.

CHAPTER 2192.

AN ACT for the benefit of School Districts Nos. 16 and 19, in the County of Fayette.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of common school districts Nos. 16 and 19, in the county of Fayette, be, and they are hereby, authorized to draw and appropriate the school funds due said districts for the year 1867.

§ 2. This act to take effect from its passage.

Approved March 16, 1869.

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CHAPTER 2193.

AN ACT to consolidate Common School Districts Nos. 16 and 18, in Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That common school districts Nos. 16 and 18, of Kenton county, are hereby consolidated, under the name of Beech Grove district.

§ 2. That the said district is authorized to draw from the Common School Fund the amount due said districts for 1867 and 1868; and if any of said fund has been bonded, then the amount of the interest on the Kenton county bond that would be going to said districts.

§ 3. That this act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2194.

AN ACT to incorporate the Frankfort Fire and Marine Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. I. Todd, John Watson, J. W. Stevenson, Alvin Duvall, R. H. Crittenden, M. A. Gay, W. H. Averill, W. A. Gaines, Lewis Castleman, E. H. Taylor, jr., S. B. Churchill, and James Saffell, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, by the name of the Frankfort Fire and Marine Insurance Company; and by that name may contract and be contracted with; may sue and be sued, implead and be impleaded, defend and be defended, in all places and courts whatsoever; may have and use a common seal, and the same may break, alter, or renew at pleasure; and shall have all the rights and privileges incident to corporations, for the purposes hereinafter mentioned.

§ 2. The said company may purchase, rent, hold, and enjoy such real and personal estate as may be necessary or expedient to effect the object of the association, and may sell, lease, and convey the same at pleasure: *Provided*, Such real estate shall not at any one time exceed in value the sum of fifty thousand dollars, except such as may be taken or held for the debts due or to become due the company, and such real estate as may have increased in value after its acquisition by said company.

§ 3. The capital stock of said company shall be not less than one hundred thousand dollars, and not more than one million dollars, divided into shares of twenty-five dollars each, which shares shall be deemed personal estate, and

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transferable on the books of the company in such manner as may be prescribed by the by-laws; but the said company shall have a lien on the stock of any holder thereof for any and all debts owing by such stockholder to said company, and may take such stock, or so much as may be necessary on account of such debt or debts, either by private contract with such debtor, or by purchase under any order or decree of any court enforcing such lien; and in case of the failure for thirty days of any subscriber for, or holder of, stock in said company to pay the calls for the subscription therefor, the said company may forfeit the said stock according to prescriptions of its by-laws, first giving ten days' notice to the holder, his agent or attorney, or by publication in a daily newspaper published in the city of Frankfort.

§ 4. The said company shall have full power and lawful authority to insure all kinds of property against loss or damage by fire, lightning, wind, rain, flood, tornado, or any other risk that they may deem proper, and to make all kinds of marine and fire insurance on vessels, steamboats, and all kinds of craft and boats which navigate fresh or salt water, as well as on goods, wares, and merchandise, produce, and every description of property transported by land or water from any port or place in or out of the United States to any other port or place in or out of the United States; and it shall be lawful for said company to invest any part of its capital stock, moneys, funds, or other property in any public stock or funded debt created or to be created by any law of the United States or of this or any other State, or in the stock or bonds of any State or of the United States, or in the stock of any bank chartered by this or any other State, and the same to sell and transfer at pleasure, and again to invest the same, or any part thereof, or to loan the same, or any part thereof, to individuals or public corporations, on real or personal security, for such periods of time, under such restrictions and limitations, as the board of directors shall deem prudent; and the said company may purchase the stock of any stockholder who ceases to do his insurance business with the same.

§ 5. The business of said company shall be conducted by a board of not less than eleven directors, and not to exceed one hundred, five of them to constitute a quorum to do business; nine of the corporators must be residents of Frankfort. The president selected by the board of directors must be one of their number; and they shall hold their offices for one year, and until their successors are elected; but no person shall be president or director who does not own at least ten shares of the said capital stock. The time and manner of the election of the directors shall

1869. be prescribed by the by-laws, as also the number necessary to constitute a quorum to transact business. At all elections by the stockholders each share of stock shall entitle its holder to one vote

§ 6. The board of directors shall make all necessary and proper by-laws for the conduct and management of business, not inconsistent with the laws of this State, and may appoint and employ all officers, agents, and servants necessary or convenient for the company's business.

§ 7. The absence of its seal shall not invalidate any policy or other contract otherwise properly made by said company; and no dividends on its capital stock shall be declared except out of surplus profits of its business; and it shall have no power to emit bills of credit or notes to circulate as money, or do a general banking business.

§ 8. The principal office or place of business of said corporation shall be in the city of Frankfort, Kentucky; but it may open and establish branch offices and agencies in any other place.

§ 9. The corporators above named, or any one of them, or any person or persons appointed by them, shall be commissioners to open books of subscription for the said capital stock, on such terms and conditions as they may prescribe; and whenever one hundred thousand dollars be subscribed thereto and paid, and the same has been invested in the stocks and bonds of the United States, or State of Kentucky, or in the bonds of some county or incorporated city of this Commonwealth authorized to be issued by the General Assembly, or in the stocks or bonds of some solvent dividend-paying institutions incorporated by the General Assembly of this Commonwealth, and the affidavit of the president and secretary of said company has been filed with the Auditor, specifying the stocks, bonds, or other securities the same has been invested in, the said company may organize and proceed to business; and those of the said corporators who shall have subscribed for the required number of shares shall be the first board of directors, and hold their offices for one year, and until their successors are elected and qualified; and in case of a vacancy in any board of directors, the same may be filled by the board: *Provided, however,* That nothing contained in this act shall be so construed as to exempt said company from the operation of any general insurance law now in force or which may hereafter be in force in this Commonwealth.

§ 10. This act shall take effect and be in force from and after its passage.

Approved March 16, 1869.

CHAPTER 2195.

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AN ACT to authorize the taking of depositions in certain cases in the Washington Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That depositions of witnesses residing in Washington county, over twelve miles from Springfield, may be taken in any civil cause pending in the Washington circuit court: *Provided*, That if either party, or his attorney to any cause, shall file his affidavit in said court that he deems it important to his case that the witness should be examined in open court, then the court shall order the personal attendance of said witness.

§ 2. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2197.

AN ACT to amend and reduce into one all acts incorporating and relating to the Town of Hillsboro, in Fleming County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of said town, according to a survey and plat to be made out as soon as practicable after the passage of this act, and to be recorded in the county court of said county, and not to exceed three hundred acres, shall be, and is hereby declared, the boundary of said town.

§ 2. The municipal, prudential, and fiscal concerns of said town, with the government and control thereof, shall be vested in five trustees, who shall be elected annually upon the first Saturday in April in each year, by the qualified voters of said town, and shall hold their office for one year, or until their successors are duly qualified.

§ 3. That said trustees, before entering upon the discharge of their duties, shall take an oath to faithfully perform their official duties during their continuance in office; and shall be a body-politic and corporate, and shall be known by the name and style of the Board of Trustees of Hillsboro; and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, answering and being answered, of defending and being defended, in all courts and places; and may use a seal, and do all other acts and things which a body-politic and corporate having perpetual succession can lawfully and rightfully do and perform; and said trustees shall possess and exercise all the powers and privileges which are, by the general laws of the State, vested in and granted to trus-

1869. tees of towns; and shall have power to make and carry into effect all necessary by-laws, ordinances, and regulations, which may be necessary to secure the quiet and good order, or promote the health, comfort, or security of the citizens thereof.

§ 4. All white male citizens of said town over twenty-one years old, and entitled to vote for State Representatives, shall be entitled to vote for any and all officers of the town; but no one shall be eligible to any office in said town who has not been a resident of the same for one year next before his election and a qualified voter therein.

§ 5. The board of trustees shall appoint one of their number as chairman, and a majority shall constitute a quorum for the transaction of business; they shall appoint a clerk, whose duty shall be to keep a full record of their proceedings, and do such other writing as the board may direct; they shall also appoint a treasurer, who shall give such bond for the faithful discharge of his official duties, as the board of trustees may require. His duties shall be to receive and receipt for all moneys paid into the town treasury, keep a correct record of financial affairs of said town, and shall pay out money from the treasury upon order of the board, countersigned by the clerk thereof. He shall settle all accounts by the first day of April of each year, and shall receive such compensation as the trustees deem proper. It shall be also the duty of the board to appoint two of their number to hold any and all elections for offices of town or any town election. The trustees shall, when a vacancy occurs in the board by death, resignation, or otherwise, have power to fill such vacancy; they shall also have power to appoint a police judge or town marshal when a vacancy occurs, and the person so appointed shall hold his office until the succeeding annual election.

§ 6. The trustees shall have power to clear the streets, alleys, sidewalks, and passways of said town of obstructions; to regulate the storage of combustibles or unwholesome materials; to cause chimneys, flues, stove-pipes, or fire-places that threaten the security of property, to be changed, repaired, or removed; also to cause owners or occupiers of property to keep the streets or alleys in front of their property free from filth or filthy water, and to abate any nuisance of whatever kind within the corporate limits of said town.

§ 7. The trustees may levy and collect a tax within the limits of said town on all taxable property, not exceeding twenty cents on the one hundred dollars, and a tithe not exceeding one dollar on each tithable in the limits of said town. It shall be the duty of the board of trustees annually

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to appoint an assessor, who, being duly sworn to faithfully perform the duties of his office, shall proceed to assess all the real and personal estate and property in said town at its cash value in the currency of the country, all males over twenty-one years of age, and any property or animals the board may especially direct, and return his list to the clerk of the board of trustees within one month from the date of his appointment. A failure to faithfully perform the above duties shall subject him to a fine of not less than five nor more than fifty dollars; and they shall also appoint annually a collector, who shall give bond in the sum of (\$500) five hundred dollars, with security, for the faithful performance of his duties: *Provided, however,* If the marshal of said town be appointed, no other than his official bond shall be required. The collector's duty shall be to collect and pay into the treasury all taxes imposed by the trustees, and shall receive for his services such sum as the trustees may direct, not exceeding five per cent. on amount collected and paid into the treasury of said town.

§ 8. That at the same time the trustees are elected, the qualified voters shall elect a police judge, who shall be commissioned by the Governor of the State, and a town marshal, who shall give bond in the county court, with approved security, conditioned for the faithful performance and discharge of his official duties; and their terms of office shall be for two years; and they shall have in all civil, penal, and criminal cases concurrent jurisdiction with magistrates and constables of this Commonwealth: *Provided,* That nothing in this act shall affect the term for which the present police judge or town marshal have been elected. The police judge shall have jurisdiction in all civil and criminal cases which, by existing law or laws which may be passed by the General Assembly, are conferred on justices of the peace; and, in addition thereto, shall have jurisdiction in felonies and misdemeanors which, by the Code of Practice, is especially conferred upon police judges. He shall be a conservator of the peace; have jurisdiction over affrays, assaults or batteries, riots, breaches of the peace, unlawful assemblies, all cases of indecent or immoral behavior, conduct calculated to disturb the peace and dignity of said town; over all cases of drunkenness, Sabbath-breaking, running horses, firing guns or pistols, making reports by burning powder or fireworks, blowing horns, hallooing about by day or night, or any other riotous and disorderly conduct whatever within said town limits, all of which are hereby declared misdemeanors. He shall have power to impose fines in all cases of misdemeanors to the amount of thirty dollars, and shall have the right to imprison the person so fined in the

1869. county jail until the same shall be paid, at the rate of one dollar and fifty cents per day. He shall have jurisdiction of all offenses or causes arising out of the by-laws and ordinances passed by the board of trustees; and shall have for his services the same fees allowed justices of the peace for similar service. That the marshal shall see that the ordinances and by-laws of the town are faithfully carried into effect and execution, and in the execution of the ordinances of trustees and judgments of the police judge; and the collector, in the collection of taxes, shall have all the powers of levy and distress now vested by law in sheriffs of this Commonwealth, and shall receive for his services the same fees that constables or other civil officers are entitled to for like service.

§ 9. The county judge of Fleming county is hereby prohibited from granting license to any tavern, saloon, coffee-house, druggist, merchant, or other person, to sell by retail any spirituous, vinous, or malt liquors, or mixture thereof, within the limits of said town, except it be to such person or persons as may present to said county judge a recommendation from the board of trustees of said town; and the trustees may tax such person so licensed by the county court of Fleming county to sell by retail spirituous, vinous, or malt liquors, or the mixture thereof, within said town, a sum not less than twenty nor more than fifty dollars per annum, to be paid into the treasury of the town; and the trustees may suspend or suppress the license of any person or persons to retail the liquors above named whenever in their judgment it shall be deemed expedient so to do; and the trustees may also close the bars, or suppress the sale of all liquors named above, upon Sundays, holidays, election days, and such other day or days as they may deem expedient.

§ 10. No person having license for the retail of any spirituous or malt liquors shall be eligible to any office in said town.

§ 11. The trustees shall have power to tax all shows, theatrical performances, and exhibitions of whatever kind, name, or nature, in any sum not exceeding twenty dollars for each day such show may exhibit within said town, or within one mile of the limits thereof.

§ 12. The board of trustees shall have power to fix upon the time and place of holding their meetings.

§ 13. The records of the proceedings of the board shall be taken and received as record evidence in any court of this State, and a certificate from the clerk shall be sufficient for any purpose of evidence; for which copy the clerk shall be allowed same fees allowed clerks of circuit courts.

§ 14. The process in any civil case pending before the

police judge may be directed by him to the marshal or any constable of Fleming county. 1869.

§ 15. Any justice of the peace for Fleming county may issue a civil process directed to the marshal, whose duty it shall be to execute the same: *Provided*, That said marshal shall not be compelled to go outside the limits of the town to execute a process.

§ 16. In case of a failure of the marshal to faithfully discharge his duties, the aggrieved shall have the same right of motion, or other legal process against the said marshal and sureties, as he would have against a constable for similar neglect. And the marshal may also be removed from office as is now provided by law for the removal of constables of this Commonwealth; and the sureties on the bond of the said marshal shall have the same right by motion to be discharged from his bond as provided by law respecting other officers of this Commonwealth.

§ 17. That all acts or sections of acts which may have heretofore been passed by the General Assembly which may come in conflict with any of the provisions of this act be, and the same are hereby, repealed.

§ 18. This act shall take effect from and after the day of its passage.

Approved March 16, 1869.

CHAPTER 2198.

AN ACT to incorporate the Gaylord Iron and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. S. Berry, S. B. Brown, Wm. Elden, Wm. Galway, George R. Fearons, and T. W. Yardley, their associates, successors, and assigns, be, and they are hereby, constituted a body corporate and politic, with perpetual succession, by the name, style, and title of the Gaylord Iron and Manufacturing Company; and by said name and style they shall be, and are hereby, made able and capable in law to contract and be contracted with; to have, enjoy, and retain, to themselves and their successors, such lands, rents, tenements, hereditaments, goods, chattels, and effects, as may be necessary and convenient for the working of coal or iron ore mines, for smelting of iron and other ores, for the manufacturing of iron, in all and every department, and of all descriptions, on the lands they may own or may acquire title to, by purchase or otherwise; for building boats, barges, and floats, and using the same; erection and working of all necessary mills, furnaces, and founderies; and for all other powers, privileges, bu-

1869. siness, and employments now used by private coal or iron companies or manufacturing companies in this Commonwealth. They may build branch railroads to connect any of their works or mines with any river or stream, or with any railroad now chartered or may be chartered; and such railroad company is hereby authorized to construct the same; and the company shall have the right to acquire title to any street, lane, or alley that may be vacated near their works, by the authority controlling the same. The said company may sue and be sued, plead and be impleaded, defend and be defended, in courts of record or other places; to have a common seal, and the same to alter at pleasure; to ordain, establish, and put into execution all such by-laws, ordinances, and regulations as shall be necessary and convenient for the government of said corporation, not being contrary to law; and written contracts, signed by the president and secretary, in the name of said company, shall be binding and obligatory on the company.

§ 2. They may receive real estate in part payment and in full satisfaction of the subscription and stock taken by any party, as they may deem advisable; and a contract may be made with parties subscribing for stock, at the time they subscribe, to pay in real estate, at an agreed price per acre, or otherwise, which shall be binding on all parties, and shall be regarded as so much money paid into the company; and shall have the right to hold, either by purchase or otherwise, such real estate, mining rights, or rights of way, as by them may be thought necessary for the successful prosecution of their business; and the same, or any part thereof, to sell or otherwise dispose of, as the interest of the company may require.

§ 3. The officers of said company shall be a president, secretary, treasurer, and six directors, and such other officers as may be deemed necessary, all of whom shall be chosen by the stockholders, except the secretary and treasurer, and shall serve one year, or until superseded by another choice; and the president, with the approval of a majority of the directors, shall have power to appoint all agents, officers, and servants under them, and remove them at pleasure. In all elections held by said company each share of stock shall entitle the holder to one vote, and stockholders may vote in person or by proxy; but no one shall be allowed to vote at any election unless he shall have been a *bona fide* stockholder at least sixty days prior thereto.

§ 4. The capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, and said capital stock may be increased or diminished by a vote of the stockholders at a regular

meeting, or one called on ten days' notice; and after any stockholder shall have paid up his subscription, his liability shall cease, and his stock shall be deemed personal property, which may be transferred in such manner as the said company by its by-laws may appoint. 1869.

§ 5. After one hundred thousand dollars has been subscribed to the capital stock of said company, a meeting of the stockholders shall be called for the election of a president and six directors, by published notice of not less than three corporators, which shall have been advertised in some one or more newspapers published in this Commonwealth, for ten days previous to the meeting for said purpose; and the president and directors shall be authorized to require and take bond, with good security, in an adequate penalty, from the treasurer, or any other agent or officer of said company; and for a failure to pay up the stock by any stockholder within twenty days after such demand is made by the president, the share or shares of such stockholder may be forfeited by the president and directors, or they may sue in the name of the president for the use of the company, and recover the same.

§ 6. Books for subscription of stock may be opened in either Newport or Covington, ten days' previous notice having been given in a newspaper of general circulation, published in either of the aforesaid cities, or Cincinnati.

§ 7. It shall be lawful for the president and directors of said company to borrow or obtain on loan such sums of money, and on such terms, as they may deem expedient, and to pledge or mortgage all or any part of the real estate, improvements, effects, &c.: *Provided, however,* Such mortgage loan shall not, in any case, exceed the capital stock of said company.

§ 8. This company may avail itself of the benefits of any charter granted by any other State: *Provided,* The same is not inconsistent with the Constitution and law of this Commonwealth.

§ 9. The principal office of the company shall be located in Newport, Kentucky.

§ 10. This act shall take effect from its passage.

Approved March 16, 1869.

1869.

CHAPTER 2190.

AN ACT to incorporate the Frankfort Flouring Mill Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. W. Craddock, John Thompson Gray, D. W. Lindsey, W. A. Gaines, James Saffell, James G. Dudley, E. H. Taylor, jr., A. J. James, and Hugh Rodman, be, and they are hereby, created a body corporate and politic, with perpetual succession, by the name and style of the Frankfort Flouring Mill Company, with all the powers and authority incident to corporations within this Commonwealth for like purposes. Said corporation may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and alter or break the same at pleasure; may make all necessary by-laws for the transaction of business and the government of the company, and the same to alter, amend, or repeal, from time to time, as they may deem proper, not inconsistent with the laws of the State.

§ 2. The company is hereby authorized and empowered to purchase and hold lands in fee simple, and the same to dispose of by deed or other instrument of conveyance; to construct and build any and all character of buildings, and the erection and putting up any and all character of machinery they may deem expedient and proper in order to the manufacturing of flour and the grinding of corn, and stowing the same away, or its preservation; and likewise to erect any and all character of houses as residences for the employes of said company, which they may dispose of by deed or other instrument of conveyance; and likewise the main buildings referred to in this section.

§ 3. Said company may erect and put in operation as many other mills in the county of Franklin, in this State, as they may think proper, and shall possess all the powers and privileges in reference thereto as is conferred in the preceding sections of this act; and may sell, ship, and vend the products of any grain they may manufacture into flour, chop, or meal, from any of the establishments contemplated by this act; and in order to the shipping and transporting the same, may build any and all character of boats or water crafts they may think proper.

§ 4. The capital stock of said company shall be one hundred thousand dollars, and which may be lessened to twenty-five thousand dollars, or increased to not exceeding two hundred and fifty thousand dollars, and which may be divided into shares of one hundred dollars each, and which may be subscribed and paid for in cash, Government or State bonds, or in such other manner as said company may deem proper, and which stock may be assigned and transferred in such manner and upon such con-

ditions as the board of directors of said company may direct; and which shares shall be deemed personal estate. 1869.

§ 5. That it shall be lawful for the president and directors of said company, from time to time, to borrow or obtain on loan such sum or sums of money, and on such terms, as they may deem expedient for the prosecution of its business, and to pledge or mortgage any of their real estate, improvements, privileges, effects or assets, whatever, of said company, for the repayment of said sums so borrowed. Said company may issue any character of bond or other evidence of responsibility or debt they may think proper.

§ 6. The affairs of the company shall be managed by five directors, one of whom shall be president, and all of whom shall be stockholders in said company; and the first board of directors shall consist of W. A. Gaines, James Saffell, James G. Dudley, G. W. Craddock, and A. J. James, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said company; and the board of directors thus chosen shall continue in office for one year, or until their successors are elected. If any of the directors shall decline or refuse to act, or die, a majority of the others shall fill the vacancy by appointing some one else.

§ 7. The company, or any one or more of the corporators, may open books and receive subscriptions to the capital stock of said company; and when ten thousand dollars is subscribed, and ten per cent. thereof paid in the manner authorized in the fourth section of this act, a new board of directors may be elected, who may make such calls of payment of stock as they may deem proper, not to exceed thirty per cent. for every thirty days; and in default of payment, the by-laws of said company may authorize a forfeiture of stock.

§ 8. That said company shall have power to appoint any one of its members, or any other person or persons, to manage, control, direct, and carry on the business of the company in all its branches, according to the by-laws, rules and regulations, which said company may adopt, and keep their offices at such place or places as they may deem to the interest of the company.

§ 9. No banking or lottery privileges shall be granted by this act; and the Legislature reserves the right to repeal or amend this act at pleasure.

§ 10. This act to take effect from its passage.

Approved March 16, 1869.

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CHAPTER 2200.

AN ACT to incorporate the Strode's Run and Lashbrooke Turnpike Road Company, in Mason County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Peter Lashbrooke, Robert Humphreys, Thos. Calvert, George R. Wells, and Richard Lindsay, and their successors, he, and they are hereby, declared and created a body corporate, with perpetual succession, for the purpose of constructing, maintaining, and keeping up a turnpike road in Mason county, from the Maysville and Mt. Sterling turnpike, near the second toll-gate, through the lands of Mrs. Strode, Richard Lindsay, Thomas Calvert, Robert Humphreys, Peter Lashbrooke, G. R. Wells, or some of them, and others, to intersect the Stony Hollow turnpike at or near the lands of George R. Wells.

§ 2. Said corporators may, at any time and place, open and receive subscriptions for stock to said road company, in shares of fifty dollars each. The capital stock of said company shall be not exceeding fifteen thousand dollars; and when the amount of twenty-five hundred dollars is subscribed, the said company may be organized and go into operation by the name and style of "The Strode's Run and Lashbrooke Turnpike Road Company, in Mason county;" and by that name and style it shall have perpetual succession, and may sue and be sued, contract and be contracted with; and may have a common seal, which it may alter at pleasure. The said corporators, or said company, may receive conditional subscriptions of stock to said company, which must be set down in the subscription, and shall be binding on the conditions stated; and said corporators, or said company, may receive subscriptions of stock in land, rock, lumber, or labor, which shall be set down, and the value thereof set down in the subscription; and if said land, rock, lumber, or labor is not furnished on the demand of said company, the value thereof, as stated in the respective subscriptions, shall be paid in money. The stockholders may elect five directors to manage the affairs of said company. Each stockholder shall be entitled to one vote, which may be cast in person or by proxy. One of the directors shall be elected by them as president, and the board shall continue in office for one year, or until their successors are elected; and may appoint its subordinate officers and agents and employes, and require oath and bond and security of them, and may discharge the subordinate officers at pleasure; and the said board may make such rules and regulations, for the government of the company and its affairs, as they may deem expedient, not inconsistent with the Constitution and laws of the United States and State of Kentucky. The said

company may make said road of any width they may deem expedient, not exceeding fifty feet, and shall have all the powers conferred by the general laws of the State to procure the right of way and materials for their road, and to be obtained in the same way.

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§ 3. When a continuous two and one half miles of said road shall be completed, a gate thereon may be set up at which half toll may be gathered. The rates of toll shall be the same as those fixed by the general laws upon similar roads.

§ 4. The Mason county court may subscribe stock to said company, not exceeding one thousand dollars per mile, payable on the completion of each mile.

§ 5. Said company may borrow money, not exceeding three thousand dollars, and give personal security therefor, or a mortgage on the road and its franchises and property of the company, which may be foreclosed and enforced.

§ 6. This act shall be in force from its passage.

Approved March 16, 1869.

CHAPTER 2201.

AN ACT concerning the Jurisdiction of the Barren County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the county court of Barren county, when being held by the presiding judge of the Barren county court, or when by him in conjunction with the justices of the peace, to lay off the Bardstown and Nashville turnpike road within said county into road precincts, of convenient and reasonable size and length, and appoint overseers thereof, and assign to said overseer a suitable and proper number of hands to work upon and repair and keep in good order said road; and said overseers, and the hands so assigned to them, shall be subject to all the duties, penalties, and liabilities prescribed by law, and imposed upon other overseers and hands upon other public roads in this Commonwealth; and if any part or portion of said road, as originally laid out and bounded, is, or shall at any time be, obstructed in any way, such overseer and hands shall remove such obstructions, and keep the entire breadth of said road-bed clear of all obstructions to convenient and safe travel for vehicles, wagons, and carriages of all kinds.

§ 2. That said county court shall, at any time when a majority of the justices in commission are present and concurring therein, have full power and authority to levy an *ad valorem* tax, not exceeding ten cents on each one hundred dollars' worth of property in said county subject

1869. to taxation for State revenue in any one year, and a capitation tax on each male inhabitant of said county, not exceeding one dollar in any one year, for the repair and improvement of said turnpike, and any other public road or part of public road in said county. It shall be the duty of the sheriff of said county to collect said taxes; and to enable him to do which, he is hereby vested with all the powers and authority which by law he has to enforce the payment of the public revenue. Said sheriff and his securities in his bond, for the collection of the county levy, and in his official bond, shall be responsible for his faithful performance of the duties assigned by this act, and for the faithful paying over said money, and shall be subject to be proceeded against for its non-payment, as sheriffs and their securities may now be proceeded against for failing to pay over the county levy.

§ 3. The said court, a majority of said justices being present and concurring therein, shall have power to designate the road or roads, or parts of roads, upon which said moneys shall be expended as aforesaid, and the same to each road or parts of roads, and shall appoint one or more agents, whose duty it shall be to plan and superintend the execution of such improvement and repairs of said road, and report from time to time to said court; and the court shall make orders from time to time upon the sheriff for payment thereof, or the court may require the money paid to the county treasurer, and then order him to pay for said repairs or improvements; but in no case shall any payments be made for work or improvement upon said roads till it is done and accepted and received by the said court.

§ 4. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2202.

AN ACT to incorporate the Paducah Water-works Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James Thornberry, George Longstaff, John C. Noble, Samuel Murrel, William Lee, Reuben Sanders, Joseph Johnson, John Fisher, Wilson Thompson, Ed. Murray, William Stout, Sam. Percel, Ed. Morgan, and their associates, successors, and assigns, shall be, and are hereby, created a body politic and corporate, by the name and style of the "Paducah Water-works Company;" and by that name may contract and be contracted with, sue and be sued, plead, answer, and defend, in all courts as natural persons; and may have and use a common seal, and alter the same at pleasure; and may ordain and put in execu-

tion such by-laws and regulations for the government of said company and the management of its affairs as may be deemed expedient, not contrary to the laws of this Commonwealth.

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§ 2. That the business of said company shall consist in furnishing and selling to the corporate authorities and citizens of Paducah, water for municipal, domestic, and manufacturing purposes, according to such terms as may be agreed upon by said company and the persons furnished with water. The capital stock of said company shall be five hundred thousand dollars, to be divided in shares of fifty dollars each, to be increased from time to time by a vote of a majority of the stockholders, as the necessities of the company may require. The said company may purchase and hold as much land as may be required for its offices, residences of officers, agents, sites for its water-works, engines, reservoirs, ornamental grounds and gardens, and may sell or exchange same as may be necessary or convenient for the operation of the business of said company.

§ 3. The city council of Paducah are hereby empowered to grant to said company all the privileges necessary to enable said company to carry out its business, and to grant to said company the exclusive or other right to lay pipes for conveyance of water through all the streets, alleys, squares, wharves, lanes, and grounds of said city; the said company to repair any injury they may do by laying their pipes.

§ 4. That all the right of way and other privileges requisite for laying pipes and building water-works, are hereby granted unto the said company, in so far as the jurisdiction of the State of Kentucky extends over the beds, margins, and waters of the Ohio or Tennessee rivers.

§ 5. That the corporators before named, or any one of them or number of them, may solicit and receive subscriptions of stock; and when stock to the amount of ten thousand dollars is subscribed, or more, they shall call a meeting of the stockholders by advertising ten days' notice; and said stockholders shall elect seven directors by themselves or proxies, each stockholder casting one vote for each share of stock in said election, and all other elections thereafter; and said directors shall, by ballot, elect one of their number president, who shall give casting vote in all ties of said company; said directors shall serve for one year, or until their successors are elected, and shall have power to fill vacancies in their board. To the said president and board of directors shall be intrusted the care and management of the property and business of said company, under the by-laws of said company, made

from time to time, by a majority of the stockholders or directors. The provisions in sections seven, eight, nine, ten, and eleven, of an act, entitled "An act to incorporate the Newport and Covington Water-works Company," approved March 9, 1868, are hereby applied to said Paducah company; and the same rights, privileges, powers, and immunities granted in said act, are hereby granted to said Paducah Water-works Company.

§ 6. This act to take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2203.

AN ACT to amend the Charter of the Brooksville and Rock Spring Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the president and directors of said turnpike road, together with their superintendents, engineers, and workmen, with their tools, instruments, carts, wagons, and other carriages, with their beasts of draught or burden, to enter upon the land in and over, contiguous and near to which said road shall pass, having first given notice of their intention to the owners or occupants thereof, or their agents: *Provided*, That if the president and directors shall not agree with the owners of said lands over or through which said road is to pass as to damages the owner or owners may sustain by reason of the road passing through their lands, the said president and directors shall apply to the county court of the county in which said lands are situated for a writ of *ad quod damnum* to assess the damages which may be sustained by the owner or owners of said land; and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry away any stone, gravel, or other material necessary for the construction or repairing of said road, after paying the owner the full value of the same.

§ 2. The grade of said road shall not exceed three and one half degrees, and the stone on same shall not be less than sixteen feet wide, and an average of nine inches deep. The width of the road outside of the metal on the same shall be left to, and in the discretion of, the directors of said road.

§ 3. That the president and directors of said road shall be authorized to erect a toll-gate or toll-gates on said turnpike road, when the same is completed and examined by three justices of the peace no ways interested in the road, who shall be appointed by the county court, who, with the

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aid of some competent person as engineer, shall view the road, and report its quality and condition. The justices and engineer shall be paid by the president and directors of said road a reasonable compensation, to be fixed by the county court upon hearing the report, and any exceptions or proof that may be made in relation thereto. If it appears that the road has been constructed according to law, the court shall make an order authorizing the erection of gates, and the collection of tolls in pursuance of the rates established by law.

§ 4. That the president and directors shall have power to let out said road to contractors, on such terms and in such portions as they may deem beneficial to the interests of said company.

§ 5. That each and every stockholder in said road shall be exempt from working or furnishing hands to work on any other road, to the extent of one hand for every two shares or one hundred dollars of stock subscribed and paid to said company.

§ 6. That any of the stockholders in said road failing to pay their calls when due, shall be subject to suit in any of the courts of this Commonwealth having jurisdiction of the matter in controversy. The stockholders shall pay interest on their respective subscriptions, at the rate of six per cent. per annum after call and demand of payment.

§ 7. It shall be the duty of the president and directors to keep a record of their proceedings in a well-bound book, and the same shall be open to inspection by the stockholders in said road at all times.

§ 8. This act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2204.

AN ACT to incorporate the Louisville and Jeffersonville Ferry Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Z. M. Shirley, W. C. Hite, John B. Smith, Howard Johnson, and R. H. Woolfolk, are hereby created a body corporate, by the name of "The Louisville and Jeffersonville Ferry Company;" and by that name shall have perpetual succession, and may sue and be sued, contract and be contracted with, purchase and hold all such property, real and personal, as may be necessary or convenient to enable such corporation to carry on the business of ferrying freight and passengers and vehicles over the

1869. Ohio river, and generally to do and perform all such acts as an individual might do and perform in the premises.

§ 2. The capital stock of said company shall consist of two thousand shares of stock of the par value of one hundred dollars each.

§ 3. The business of said corporation shall be controlled by five directors, to be chosen annually, and by a president, to be elected by them, who may or may not be one of their number, as they may determine.

§ 4. The corporators above named shall act as directors for one year from the time they shall accept this charter, and as such shall have all the powers granted herein to the directors.

§ 5. There shall be elected by the directors a secretary and such other officers as their by-laws may direct, who shall hold their offices respectively until the election of a new board of directors, and until their successors are elected and qualified.

§ 6. The manner, time, and place of holding elections, and giving notice thereof, of subscribing, paying, and transferring stock, of compensating officers, and generally of conducting and managing the business and corporate affairs of said corporation, shall be regulated by by-laws to be adopted by the directors, who are hereby authorized to enact and repeal such by-laws at pleasure; and the same while in force shall have the same force and effect as if enacted herein, provided they are not inconsistent with the Constitution and laws of the State.

§ 7. Said corporation may purchase from any existing ferry companies or associations any ferry-boats, wharves, and ferry franchises for any ferry or ferries between Louisville and Jeffersonville, and upon the purchase of all such existing franchises shall have the right to carry on and conduct a ferry or ferries between said cities.

§ 8. Said corporation may accept such boats and franchises, and wharves and other property in payment of stock subscribed, and at such prices as may be agreed on.

§ 9. Said company shall have a lien to secure their ferriage due upon any horses or vehicles ferried by them, and may refuse to permit such horses or vehicles to leave their boats until such ferriage is paid, or may assert their lien by suit in the Louisville chancery court, without regard to the amount due or claimed to be due.

§ 10. This act shall continue in force fifty years, and is declared to be in force from and after its passage; but the right to amend or change this charter, or any part thereof, is expressly reserved.

Approved March 16, 1869.

CHAPTER 2205.

1869.

AN ACT to amend the Charter of the City of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter whenever a vacancy shall occur in either of the offices of mayor or marshal of the city of Newport, such vacancy shall be filled by the city council of said city until the next succeeding August election, and until the officer then elected shall be duly qualified; but no person shall be eligible to fill such vacancy who does not possess the qualifications now required by law; a majority of all the members of said council shall concur in the choice of a person to fill such vacancy.

§ 2. That the city council shall have power, by ordinance or resolution passed by a majority of all the members elect, to require all houses and tenements within said city to be numbered at the expense of the owners of the same; and in case any such owner shall fail or refuse to cause his or her house or tenement to be numbered when so required, or within thirty days thereafter, said council shall have the power to have the same done, and assess and collect the cost thereof in the same manner as is now provided for the collecting of the costs for improving streets and alleys. The city council shall have power to pass such ordinances as may be necessary to preserve and protect the numbers on the houses and tenements, and may impose penalties not exceeding twenty dollars for violation of the same.

§ 3. The city council shall have full power and authority to purchase, at a cost not exceeding twenty thousand dollars, a sufficient quantity of ground within the limits of the city of Newport, or within one mile thereof, for the following purposes: first, for a public park or parks for the use and benefit of the citizens; second, for the erection thereon of public schools and play-grounds for same; thirdly, for the purpose of constructing and erecting suitable market-houses and market spaces; said ground to be paid for out of the general revenue of said city.

§ 4. This act shall take effect from its passage: *Provided*, The third section shall not take effect until the same shall have been submitted to the legal voters of said city, and approved of by a majority of those voting, which submission shall be made at the next municipal election, due notice of which shall be given by the clerk of said city; and all persons who shall vote illegally at such election, shall be liable to all the pains and penalties as are now imposed by law for illegal voting at other elections held in said city. The proper officers of election shall propound to each qualified voter the following question: Are you for or against the third section of proposed amend-

1869. ment to the city charter? and the vote of each shall be recorded for or against, as indicated by the answer; and the result thereof made part of the city records. Within ten days after the holding of said election, the mayor of said city shall make proclamation of the vote; and if said section shall have received a majority of all the votes cast, it shall be adopted and be in full force from the time of such proclamation.

Approved March 16, 1869.

CHAPTER 2206.

AN ACT to create the office of Deputy Constable in the Second District of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the office of deputy constable be, and the same is hereby, created in the second district of the city of Covington, with all the rights, powers, and privileges conferred by law on constables, and subject to all the liabilities, responsibilities, and penalties imposed by law upon constables; and the principal constable shall be responsible for his deputy constable, in all respects as sheriffs are now by law responsible for the acts of their deputies; and the principal constable, when he appoints a deputy, shall thereupon give bond, to be approved of by the county judge, to cover all the responsibilities for his deputy, as herein provided.

§ 2. That the constable in the second district of Covington may, when he deems it necessary and proper, by and with the approval of the county judge, appoint his own deputy, and may revoke the appointment at pleasure; and said deputy shall, before he proceeds to the discharge of his duties, take the same oath of office required to be taken by constables; and the principal constable may require of his deputy a bond and security for the faithful performance of all his duties as such, to be given to himself before he, the said deputy, enters upon the discharge of his duties.

§ 3. This act to take effect from its passage..

Approved March 16, 1869.

CHAPTER 2207.

1869.

AN ACT to amend the Charter of the Kentucky Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, for the purpose of securing the payment of the present indebtedness of the Kentucky Company, and in order to raise money to pay its necessary expenses, it shall be lawful for said company, and it is hereby authorized and empowered, to execute its promissory notes for such sums of money as may be necessary for the above mentioned purposes; and in order to secure the payment of the same with interest, said company is hereby authorized and empowered to execute and deliver to one or more trustees a deed of trust upon all of its property, rights, and franchises, conditioned for the payment of any such notes at maturity; and in such deed of trust may authorize and empower the trustee to sell and convey the same upon the non-payment of the debt or demand at the stipulated time of payment, without suit and decree of foreclosure, in accordance with such terms, and at such time and place as may be expressed in the deed of trust; and any such sale and conveyance, when made and executed by any such trustee, shall pass to and vest in the purchaser all right, title, interest, claim, and demand of every sort and description said company may have in and to the property sold.

§ 2. This act shall take effect and be in force from its passage.

Approved March 16, 1869.

CHAPTER 2209.

AN ACT authorizing the Trustees of the Town of Falmouth to sell certain alleys in said Town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Falmouth are hereby authorized and empowered to sell and convey any or all of the four-foot alleys of said town, as in their judgment may be right and proper, and for the best interest of said town; they shall have power to sell said alleys either at public auction, after having advertised the same, by written advertisements, put up at the court-house door in said town at least ten days before the sale, or at private sale, as they may deem best; they shall have power to sell all of said alleys, or any part of them, as they may deem right, and convey the same to the purchaser whenever the purchase money is paid into the treasury of said town: *Provided*, That said trustees shall not sell or otherwise dispose

1869. of, or close up, any alley or alleys, without the written consent of all the owners of real estate abutting upon the same.

§ 2. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2211.

AN ACT to empower the County Court of Franklin County to make Subscription to the Capital Stock in Turnpike Roads in Franklin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of Franklin county, a majority of the justices of said county concurring, to make subscription of stock in turnpike road companies, for the construction of such roads in said county: *Provided*, That such subscription shall not exceed one thousand dollars per mile in each road to be constructed.

§ 2. That no money to be subscribed by said county court shall be paid over to any turnpike road company, or to any person whatever, until the said court shall be fully satisfied, in open court, that the company constructing the road are fully able to complete each mile of said road so subscribed for, with the aid of such subscription by the county.

§ 3. The said county court shall have the power, a majority of the justices concurring, to levy an ad valorem tax upon all the taxable property in said county, not exceeding fifty cents upon one hundred dollars, to raise a sum sufficient to pay off and discharge the said subscription of stock; and said tax may be imposed yearly until the debt is fully paid.

§ 4. The said tax shall be collected by the sheriff of said county in the same manner, and for the same compensation, as is now fixed for collecting the State revenue.

§ 5. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2212.

AN ACT to amend an act, entitled "An act to incorporate the Upper Blue Lick Turnpike Road Company, in Mason County," approved 11th day of March, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Upper Blue Lick turnpike road company, in Mason coun-

ty," approved 11th day of March, 1869, be, and the same is hereby, amended as follows: The title of said act so approved 11th day of March, 1869, shall be, "An act to incorporate the Upper Blue Lick and Maysville turnpike road company, in Mason county." The first section of said act approved 11th day of March, 1869, is so altered as to name and call the company incorporated by said act "The Upper Blue Lick and Maysville Turnpike Road Company, in Mason county."

1869.

§ 2. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2213.

AN ACT to amend the Charter of the City of Ludlow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the term of the office of mayor of the city of Ludlow be, and the same is hereby, fixed at two years, instead of the time now fixed by law.

§ 2. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2215.

AN ACT to amend the Charter of the Nelson County Agricultural Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Nelson County Agricultural Association shall have power to license hucksters to sell within one half mile of the fair grounds of said association during its fairs; and if any person shall sell as a huckster within said limits during the week said fair is held, without first obtaining a license from said association, shall be fined in a sum not less than five dollars nor more than twenty-five dollars for each offense, to be recovered before any justice of the peace, police judge, or county judge.

§ 2. If any person shall, during the week said fair is held, sell within said limits any distilled spirits in any quantity less than a barrel, shall be fined in any sum not less than twenty dollars nor more than fifty dollars for each offense, to be recovered as aforesaid.

§ 3. That the police of said association shall, during the week of any of its fairs, have jurisdiction within one mile

1869. of the fair grounds of said association, and may, without warrant, arrest any person who may be guilty of a violation of any of the provisions of this act.

§ 4. This act shall be in force from its passage.

Approved March 16, 1869.

CHAPTER 2216.

AN ACT to repeal the Charters of the Hope and Globe Insurance Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the Hope Insurance Company, of Louisville, approved the 19th day of January, 1865, and to incorporate the Globe Insurance Company, of Kentucky, approved the 20th day of December, 1865, be, and the same are hereby, repealed; and it shall not be lawful for said companies to issue any policy of insurance or make any contract of insurance after the passage of this act.

§ 2. It shall be the duty of the chancellor of the Louisville chancery court, upon the petition of any stock or policy-holder in either of said companies, to appoint some suitable person or persons to act as a receiver or receivers, who, after executing such bond or bonds as said chancellor shall deem reasonable to secure the faithful and honest performance of his or their respective duties, as the case may be, shall enter into and take possession of the books, papers, and assets of said company, of every sort and description, and dispose of the same, under the direction of said chancellor, as justice and equity to the present policy-holders may require.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1869.

CHAPTER 2219.

AN ACT to empower the Court of Claims of Grant County to increase the County Levy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims for the county of Grant be, and it is hereby, empowered to increase the county levy for the year 1869 to three dollars; and for this purpose, the county judge of said county is authorized to convene the said court on the regular county court day for April or May, 1869. The said court of claims are also

hereby empowered to fix the county levy for the county of Grant at any sum not to exceed three dollars per tithe for the year 1870. 1869.

§ 2. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2220.

AN ACT for the benefit of McLean County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county of McLean is hereby allowed the further time until the first day of January, 1874, within which to provide fire-proof safes for the preservation of the public records of said county.

§ 2. This act to take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2221.

AN ACT furnishing Magoffin County certain Books.

WHEREAS, Magoffin county was created a short time before the outbreak of the late war; and, in consequence of the confusion incident to said war, the county of Magoffin was not, and never has been, furnished with the Codes of Practice for its twelve justices of the peace; to which they are entitled by law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State be, and he is hereby, required to furnish the said county, at the cost of the State, twelve copies of Myers' Kentucky Code of Practice, and that the same be forwarded to the county court clerk in the next distribution of the public books.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 16, 1869.

CHAPTER 2222.

AN ACT for the benefit of the Hillsboro and Mouth of Fox Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Hillsboro and Mouth of Fox turnpike company be, and the same is hereby, authorized, under the

1869. provisions of its present charter, to extend its road a sufficient distance to connect the same with the Tilton and Day's Mill turnpike, at such point as said companies may agree.

§ 2. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2223.

AN ACT to amend an act, entitled "An act for the benefit of School District No. 5, in Breathitt County," approved March 6th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of school district No. 5, in Breathitt county," approved March 6th, 1867, be so amended as to read, "to be paid out of any surplus due said county or which may become due to said county."

§ 2. This act shall be in force from its passage.

Approved March 16, 1869.

CHAPTER 2224.

AN ACT for the benefit of R. B. Gardner.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is directed to draw his warrant on the Treasurer in favor of R. B. Gardner for the sum of twenty-three dollars and twenty-five cents, to be paid out of any surplus or bonded fund of the Common School Fund due to Morgan county, and also to draw his warrant on the Treasurer in favor of R. B. Gardner for the sum of fourteen dollars and twenty-five cents, to be paid out of any surplus money or bonded fund of the Common School Fund due to Wolfe county. The two sums above named being the amount due to said Gardner for teaching a common school in fractional district No. 19, formed out of said counties in the year 1861.

§ 2. This act shall be in force from its passage.

Approved March 16, 1869.

CHAPTER 2225.

1869.

AN ACT for the benefit of Daviess County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of an act approved February 11th, 1867, entitled "An act to require the county courts to have one or more fire-proof vaults in their respective counties erected for the safe-keeping of the public records of their respective counties," be, and the same is hereby, repealed, so far as its provisions apply to the county of Daviess.

Approved March 16, 1869.

CHAPTER 2226.

An act to amend an act, entitled "An act to organize Urania School District, in Barren County," approved 20th February, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to organize Urania school district, in Barren county," approved 20th February, 1869, be, and the same is hereby, amended so as that no estate of any kind belonging to any person or persons of color, and situated in the school district created and organized by said act shall, at any time, now or hereafter, be subject to taxation for any of the purposes set out and contemplated in said act, nor shall said act be construed at any time so as to collect any tax of any kind, or at any time, off of any person of color, for the purposes and objects of the school contemplated in said act.

§ 2. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2227.

AN ACT to prohibit the Sale of Spirituous Liquors in the Town of Bremen, in Muhlenburg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell either vinous, spirituous, or malt liquors in the town of Bremen, or within one mile thereof, in the county of Muhlenburg, except for medical or mechanical purposes: *Provided, however,* That this act shall not take effect until ratified by a majority of the qualified voters living within the corporate limits of said town, at an election to be fixed by the chairman of the board of trustees for said town.

1869. § 2. Any person violating this act shall be subject to a fine of not less than fifty nor more than one hundred dollars, to be recovered before any court having jurisdiction thereof.

§ 3. This act to take effect from the time it shall be ratified by the qualified voters of said town, as hereinbefore provided: *Provided, however,* This act shall not be so construed as to interfere with the rights of any tavern-keeper whose license shall not have expired at the time of the adoption of this act during the continuance of his said license, or to prevent distillers from selling the spirituous or vinous liquors manufactured at their distilleries.

Approved March 16, 1869.

CHAPTER 2228.

AN ACT to incorporate Baxter Dispensary, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John G. Baxter, Wm. F. Rubel, William E. Hughes, James Bradley, Wm. F. Duerson, J. L. Smyser, Hugh Hays, Pat. Bannon, Phil. T. German, Charles W. Long, J. H. Bunce, Fred. Vissman, B. W. Jenkins, Henry Dent, John McAtee, J. Guthrie Cooke, Clark Smith, Geo. Brobston, John W. Story, Charles T. Rudd, John S. Hubbard, J. A. Krack, William H. Dulaney, and T. L. Barret, their associates and successors, be, and they are hereby, made a body politic and corporate, by the name and style of Baxter Dispensary, of Louisville, Kentucky, and shall by that name have perpetual succession; may contract and be contracted with, sue and be sued, acquire and possess property, real and personal, not to exceed twenty-five (\$25,000) thousand dollars, and dispose thereof; and shall have and use a common seal, and the power to pass by-laws, not inconsistent with the laws of the Commonwealth of Kentucky or of the United States.

§ 2. The object of this dispensary is to benefit the sick and poor, by supplying them, free of charge, with medicines, medical and surgical aid, &c., throughout the city.

§ 3. That a board of managers of not less than ten (10) nor more than twenty-five (25) persons shall be chosen annually, in the month of September, in such way as the by-laws may direct, and shall have charge of the current business of this institution.

§ 4. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2229.

1869.

AN ACT to extend the provisions of an act, entitled "An act to regulate Partnership Fences in Clark County," to the County of Montgomery.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to regulate partnership fences in Clark county," approved March 6th, 1868, be so amended as that its provisions shall also apply to the county of Montgomery.

§ 2. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2230.

AN ACT more effectually to punish the crime of Vagrancy in the City of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That persons convicted of vagrancy committed in the city of Lexington may, in the discretion of the jury, be punished by confinement at hard labor in the city work-house, and the quarries connected therewith, for any period not exceeding six months, unless in the case of a second conviction for a similar offense, when the time of confinement may be doubled. The person so convicted shall be sentenced by the court in pursuance of the verdict, and shall be delivered into the custody of the keeper of the work-house, to be kept by him at labor under the general regulations of the mayor and council of said city for the government of said work-house and quarries.

§ 2. The city court of Lexington shall have jurisdiction over the offense of vagrancy committed within the limits of said city.

§ 3. That this act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2232.

AN ACT to change the place of voting in the Sartin Precinct, in Barren County, to "Cold Spring."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the place of voting for State and county and district officers in the Sartin precinct, in Barren county, shall, from and after the passage of this act, be had and held at "Cold Spring," on the old Isaac Denham place, in

1869. said district, instead of at Nobb, where it has heretofore been held in said district.

§ 2. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2233.

AN ACT to incorporate the German Workingmen's Benevolent Society, of Dayton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. Spaeth, Peter Wern, S. Kramer, August Weller, and Jos. Junk, and their associates and successors, be, and are hereby, created a body corporate and politic, under the name and style of the German Workingmen's Benevolent Society, of Dayton, Kentucky.

§ 2. Said society shall by that name and style have perpetual succession, and be capable of suing and being sued, of defending and being defended, of pleading and being impleaded, contracting and being contracted with; of having a common seal, and the same to make, break, or alter at pleasure; to acquire and hold real and personal estate, and the same to sell, mortgage, or dispose of at pleasure, and whenever they may deem expedient or proper.

§ 3. They shall have power to make a constitution, by-laws, and ordain such regulations as may be necessary or proper for the management of said society; and the present constitution, by-laws, and regulations now in force in said society to alter, change, or amend at pleasure, provided they be not against the constitution and laws of the United States or of this State.

§ 4. The affairs of said society shall be managed and conducted by a president, two vice presidents, first and second secretaries, and treasurer, and such other officers as they may, from time to time, choose to appoint or elect. They shall be elected annually, at such a time and place as the society may designate and agree upon.

§ 5. Said society shall have power to assess and collect, at such times, and upon such terms as they may deem proper and expedient, such contributions, dues, fines, &c., from its members, as may be necessary to carry out its object. The object of this society is to give relief to their sick or poor members, and to support and protect the widows and orphan children of its members in case of death.

§ 6. The General Assembly hereby reserves the right to amend, alter, or repeal this charter at pleasure.

§ 7. This act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2234.

1869.

AN ACT to incorporate the Louisville Democrat Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John E. Hatcher and W. Henry Perrin, their associates and successors, he, and they are hereby, created a body corporate and politic, by the name of the Louisville Democrat Company; and by that name may contract and be contracted with, sue and be sued, defend and be defended, in all courts and places, as a natural person.

§ 2. The said company shall have power to print and publish a newspaper or newspapers, books and periodicals, and to do all other things necessary and proper to conduct a printing, publishing, and binding business. It may purchase, hold, and convey real estate, not exceeding at any one time the value of one hundred thousand dollars; and it may purchase, own, and sell all personal estate it may deem necessary and proper for the prosecution and management of its business; and may make by-laws for its government, not inconsistent with the Constitution and laws of the State.

§ 3. The capital stock of said company shall be one hundred thousand dollars, but may be increased to two hundred and fifty thousand dollars, divided into shares of one thousand dollars. Said stock shall be personal property, and transferable on the books of the company in person or by attorney.

§ 4. The business of said company shall be conducted by not less than two nor more than five directors, who shall be stockholders, and shall elect one of their number president, who shall be removable at the pleasure of the board. The first election of directors shall be held on the third Monday in March, 1869, each stockholder having one vote for each share of stock subscribed for or held by him; and thereafter elections shall take place as may be directed by the by-laws.

§ 5. This act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2235.

AN ACT for the benefit of the Trustees of the Town of Greenupsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the acts of the board of trustees of the town of Greenupsburg, Greenup county, in borrowing money to build a grade and wharf in said town, and the issual of

1869. the bonds of the corporation thereof, with interest at the rate of ten per cent. per annum, is hereby legalized. That the board of trustees shall set apart the funds arising from wharfage that may be received and collected to the payment of the debt and interest so contracted, except so much thereof as may be necessary to pay the expenses of collecting and keeping the grade and wharf in repair.

Approved March 16, 1869.

CHAPTER 2236.

AN ACT to change the location of the Wilderness State Road, in Laurel County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the overseer of the Crab Orchard Fork of the Wilderness State road, is hereby authorized and required to change the location of said road, from the forks at John Pitman's, in Laurel county, to Daniel Linville's, in said county, so as the same shall run parallel with and adjoining the Lebanon Extension of the Louisville and Nashville railroad, through the lands of said Pitman: *Provided*, Said John Pitman shall first give his assent to said change by an order made of record in the Laurel county court.

§ 2. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2237.

AN ACT for the benefit of Breathitt County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Breathitt county, a majority of the justices concurring therein, are hereby empowered to increase the county levy to any sum not exceeding three dollars, and may levy an ad valorem tax not exceeding fifteen cents on the one hundred dollars' worth of taxable property in said county, for the purpose of paying off the indebtedness of the county.

§ 2. That it shall be the duty of the county court to have the justices of the peace summoned to attend at the courthouse in Jackson, at any convenient time.

§ 3. This act to take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2238.

1869.

AN ACT to incorporate the Augusta and Berlin Turnpike Road Company, in Bracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company is hereby created, under the name of the Augusta and Berlin Turnpike Road Company, for the purpose of making an artificial road from Augusta to Berlin, in Bracken county, by the most practical route.

Company incorporated.

§ 2. That the capital stock of said company shall be thirty thousand dollars, divided into shares of fifty dollars each.

Capital stock.

§ 3. Books shall be opened at convenient places for the subscription of stock in said company, under the direction of William McCane, John Clarke, Thornton F. Marshall, Ben. F. Laughlin, Squire Hardy, Henry C. Anderson, John M. Blackerby, George W. McClannahan, Jed. A. Blackerby, and James W. Worthington, any one of whom may procure a book or books in which the subscribers of stock to said company shall enter into the following obligation: We, whose names are hereunto subscribed, do respectively promise to pay to the Augusta and Berlin turnpike road company the sum of fifty dollars for each and every share of stock in said company set opposite our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company.

Commissioners to receive subscription of stock.

Obligation of subscribers.

§ 4. The book or books shall be opened as soon as said commissioners may think proper, and remain so until the whole capital stock, or enough to complete the road, shall have been subscribed.

When books to be opened.

§ 5. As soon as a sufficient amount to build three fourths of said road has been subscribed, it shall be the duty of the commissioners, or some one of them, to give notice of a meeting of the stockholders of said company at some convenient point, for the purpose of choosing officers, which shall be given by notices put at three of the most public places on the line of said contemplated road, for at least ten days previous to the meeting; and at said meeting, at least two of the commissioners must be present to superintend the election. There shall be elected a president and five directors, who shall hold their office for one year from the day of their election, and until their successors are duly elected and qualified. The said directors shall elect a treasurer and such other officers as they may deem necessary; and said treasurer shall, before entering upon the duties of his office, execute bond, with good security, to be approved by the board of directory, to the effect that he will perform the duties of said office, and whenever a demand shall be made upon him by the direc-

When company may organize.

President and directors to be elected.

Treasurer and other officers to be elected.

1869. tory, or their authorized agent, pay over any and all sums of money that may be in his hands as treasurer.

How stock
voted.

§ 6. The stockholders, at all elections, shall be entitled to one vote for each share of stock in said company, which vote or votes may be given in person or by proxy in writing.

May enter
upon lands, &c.

§ 7. It shall be lawful for the president and directors, with their superintendents, engineers, and workmen, with their tools, instruments, carts, wagons, and other carriages, with their beasts of draught or burthen, to enter upon the land, in and over, contiguous, and near to which said road shall pass, having first given notice of their intention to the owners or occupants thereof, or their agents: *Provided*, That if the president and directors of said road shall not agree with the owners of said land over or through which said road shall pass as to damages the owner or owners may sustain by reason of the road passing through their lands, the president and directors shall apply to the county court of the county in which said lands are situated for a writ of *ad quod damnum* to assess the damages which may be sustained by the owner or owners of said land; and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry away any stone, gravel, or other material necessary for the construction or repairing said road, after paying the owner the full value of the same.

Right of way,
how obtained.

President and
directors to
take oath.

§ 8. The president and directors shall severally take an oath faithfully to discharge the duties of their respective offices to the best of their abilities.

Grade and
width of road.

§ 9. The grade of said road shall not exceed three and one half degrees, and the stone on same shall be not less than sixteen feet wide, and an average of nine inches deep; the width of the road, outside of the metal on the same, shall be left to, and in the discretion of, the directory of said road.

When may
erect gates.

§ 10. That the president and directors of said road shall be authorized to erect a toll-gate or gates on said turnpike road when the same is completed and examined by three justices of the peace no ways interested in the road, who shall be appointed by the county court, who, with the aid of some competent person as engineer, shall view the road and report its quality and condition. The justices and engineers shall be paid by the company one dollar per mile for every mile so examined. Upon hearing the report and any exceptions or proof that may be made in relation thereto, if it appears that the road has been constructed according to law, the court shall make an order authorizing the erection of the gate or gates, and the collection of toll in pursuance of the rates established by law.

§ 11. That the president and directors shall have power to let out said road to contractors on such terms and in such portions as they may deem beneficial to the interests of said company.

1869.

May let out road.

§ 12. That each and every stockholder in said road shall be exempt from working or furnishing hands to work on any other road to the extent of one hand for every two shares or one hundred dollars of stock subscribed and paid to said company.

Stockholders exempt from working roads.

§ 13. That said company may sue and be sued, plead and be impleaded, contract and be contracted with, and in all litigations shall be dealt with as a natural person.

May sue and be sued.

§ 14. That any of the stockholders in said road failing to pay their calls when due, shall be subject to suit in any of the courts of this Commonwealth having jurisdiction of the matter in controversy. They shall likewise pay interest at the rate of six per cent. per annum thereon until paid.

Failing to pay calls.

§ 15. It shall be the duty of the president and directors to keep a record of their proceedings in a well bound book, and the same shall be open for inspection by the stockholders in said road at all times.

To keep record of proceedings.

§ 16. This act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2239.

AN ACT to amend the Charter of the Town of Brooksville, in Bracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Brooksville, in Bracken county, be, and they are hereby, declared authorized to subscribe one thousand dollars stock in behalf of said town to the Brooksville and Rock Spring turnpike road.

§ 2. That said trustees, or their successors in office, are hereby authorized to levy a special tax on all the property, both real and personal, within the corporate limits of said town, to raise the money to pay the subscription upon said road.

§ 3. That said levy shall not exceed one dollar on each one hundred dollars' worth of property in each year, and that the powers conferred upon said trustees by this act shall not extend beyond three years from and after its passage.

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§ 4. That said tax shall be assessed and collected by the same officers, and in the same manner, that other taxes of said town are now collected by law.

§ 5. This act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2240.

AN ACT to amend an act, entitled "An act to incorporate the Paducah and McCracken County Agricultural and Mechanical Society," approved February 2, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The president and directors of said society are hereby authorized and empowered to declare all the stock subscribed for in said society and unpaid, or any part thereof, forfeited, and the subscription void, by resolution spread on the books of the society: *Provided*, That three months' notice be given to all such persons or corporations who subscribed said stock and who have failed to pay, by publication, once per week, for three weeks, in the Paducah Herald, or any other newspaper published in Paducah, before said declaration of forfeiture shall be made.

§ 2. The president and directors of said company shall have power to open books, from time to time, to receive additional subscriptions of stock to said society, and to issue certificates of stock whenever the same is fully paid up; and no stockholder shall be permitted to vote for any officer or director of said society, nor exercise any power or privilege common to stockholders, until his, her, or their stock shall be fully paid.

§ 3. That hereafter the annual election for president and directors of said society shall take place on the first Monday in March each year, and to continue in office until their successors are duly elected; and the stockholders who have fully paid up their stock, may cast their votes in person or by proxy in writing, to be filed with the papers of the society.

§ 4. That each share held and owned by any person or corporation, and been fully paid for, shall be entitled to one vote in the election of officers; and the president and directors shall have the right to appoint all minor officers necessary to the management and control of said society; and no debt shall be contracted against said society, except by the direction in writing of a majority of president and directors; and the fair grounds of said society shall be exempt from all local and State taxation for six years from and after the passage of this act.

§ 5. That if any person or persons commit a trespass on said fair grounds, fences, buildings, trees, shrubbery, or wells, to the injury and damage of the same, shall be guilty of misdemeanor, and punishable by indictment of the grand jury, in 'McCracken county, not less than thirty nor more than ninety days' imprisonment in the county jail, or fined not exceeding two hundred dollars, to be collected as other fines are now collected by law; one third to go to the Commonwealth's attorney, and the balance to be paid to the society for its use and benefit.

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§ 6. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2241.

AN ACT to authorize the County Court of Boone to incorporate the Town of Bellevue.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Boone county be, and is hereby, authorized and empowered to incorporate and establish the town of Bellevue, in Boone county. Said town shall include all the territory with the streets, as they are at present used and recognized, together with the town lots as at present laid off, of the present town of Bellevue.

§ 2. That said town may be established at any term of the Boone county court after the passage of this act, provided previous notice of the motion to be made for that purpose has been given, in the manner hereinafter required.

§ 3. That any qualified voter residing within the limits of said town of Bellevue may appear in the Boone county court, in person or by attorney, and move the court to establish the said town of Bellevue according to the provisions of this act, and shall thereupon produce to the court a plat and survey of said town, showing its streets, their width and length, and their names, as now recognized; showing also the lots and their numbers, so far as the same are now designated; showing also the quantity of land embraced within the limits of said town; whereupon, the court being satisfied that notice has been given as required by this act, and that the interest and welfare of the citizens of said town require it, may establish said town of Bellevue by an order to that effect entered upon the records of said court, giving the metes and bounds of said town, as shown by the survey and plat aforesaid, and affixing the name as aforesaid.

1869. § 4. That the court shall, if it establishes said town at the same or some subsequent term of said court, appoint five citizens of said town as trustees thereof, who shall take the oath required by law of town trustees; and the same shall have all the powers and privileges of town trustees, and shall perform all the duties appertaining thereto, as prescribed by the laws of this Commonwealth in relation to town trustees, until the first Monday in June next after their appointment, and until their successors are elected and qualified.

§ 5. That the town of Bellevue, if the said court establishes the same, shall be governed by the general town laws of this Commonwealth; and the trustees thereof shall see that notice as required by law is given, and the election of their successors is held on the first Monday in June of each year, in the manner prescribed by law, and the proper certificates given to those who may be duly elected.

§ 6. That no motion shall be heard by the county court to establish the said town under the provisions of this act, unless notice in writing of the intended motion has been given by posting the same on the door of the court-house in Burlington, and at two public places in the town of Bellevue, at least ten days before the said motion is made; and the person making said motion shall be adjudged to pay the costs of the proceedings.

§ 7. This act to take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2242.

AN ACT to establish an additional Justices' District in Adair County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an additional district and election precinct be, and is hereby, established in Adair county, to include all persons residing in the following boundary: Beginning at the mouth of Casey creek, where it enters into Green river; and thence up Green river to the dividing ridge between Green river and Casey creek; and thence with said ridge to the Casey county line; and thence with said line to the Taylor county line; and thence with said line to Green river; and thence up said river to the beginning. The place of voting in said district shall be at Richard McWhirter's steam mill.

§ 2. That general and special elections shall be held in said district, officers elected, and vacancies filled in said district, as now provided for by the general law of the Commonwealth.

§ 3. The county judge of said county shall have power to change the voting place in said district, on application of a majority of legal voters residing in the boundary of said district, and establish it at the point by them designated. 1869.

§ 4. It shall be the duty of the Secretary of State to furnish the two justices of the peace to be elected in the district created by this act with the proper books and Acts of the General Assembly immediately after their election.

§ 5. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2243.

AN ACT to incorporate the Louisville Salt Well Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sidney S. Lyon, James Wathen, Thomas W. Gibson, A. D. Hunt, James W. Henning, Joshua F. Speed, J. M. Monohan, J. S. Lithgow, W. C. Hite, Isaac Wolf, Arthur Peter, F. S. J. Ronald, Isaac Caldwell, Theod. Schwartz, Samuel B. Field, R. H. Woolfolk, and William F. Barrett, their associates, successors, and assigns, are hereby created a body-politic and corporate, with perpetual succession, under the corporate name of "The Louisville Salt Well Company;" and by that name may contract, be contracted with, sue and be sued, plead and be impleaded, in all courts; may have a common seal; may change the same at pleasure; may purchase, own, hold, sell and convey lands, leases, salt, and other mineral grants and personal property to any extent necessary for the business and object of this corporation; may make all needful by-laws, rules and regulations, for the government and management of the business of the company, from time to time.

§ 2. The object of said company is to develop the salt, coal, iron, oil, and other minerals in the State of Kentucky; to that end they may open mines and excavate in the search for all kinds of minerals; may manufacture salt, refine oil, and prepare for, and transport to, market all or any minerals or mineral, or other product of their labor, either in crude or manufactured state; may erect and carry on cooper-shops, machine and manufacturing shops of all kinds, and own landings, wharves, and boats; may make roads for the economical transportation of their products or manufactures to the nearest accessible highway or navigable river.

§ 3. The capital stock of said company shall not exceed one million dollars, to be divided into shares of one hun-

1869. dred dollars each, to be issued in such manner as may be prescribed by the by-laws of said company. The stock of said company shall be transferable, in person or by attorney, upon the books of the company, and not otherwise; which books, as well as the stock and other books of said company, shall at all times be open to the inspection of any stockholder; the capital stock of said company shall be deemed personalty.

§ 4. The affairs of said company shall be conducted by a board of directors, not exceeding nine in number, after the first year from its organization, one of whom shall be president of the company, to be elected by the directors, and all of whom shall be stockholders. Said board, for the first year after organization, shall consist of the corporators herein, who shall continue in office until their successors are elected and qualified. The board of directors shall be elected annually by the stockholders, and shall continue in office one year, or until their successors are elected and qualified; and in case of vacancy, the remaining directors shall have power to supply such vacancy, from time to time, as they occur. The number of directors necessary to constitute a quorum for business may be fixed by by-law.

§ 5. As soon as fifty thousand dollars of the stock shall be subscribed for in money, and payment satisfactorily secured, the corporators herein may meet at such time and place as they may deem proper, and a majority being present may organize said company, and proceed with the business thereof; may direct the issuing and determine the amount of stock, and receive payment therefor; elect and define the duties of secretary and treasurer, and other officers and agents, and fix their compensation, and do all other lawful acts necessary to the successful working of the business of the company; and any three of said corporators may open books for subscriptions to capital stock.

§ 6. The principal office shall be at the city of Louisville, subject to removal by order of the directors, and may have branch offices at any points designated by said board.

§ 7. Each stockholder shall have as many votes as he has shares in said capital stock; may vote in person or by proxy. They shall annually elect directors, and the secretary shall give ten days' notice, published in a newspaper in Louisville or place of principal office, of the time and place of said election.

§ 8. No banking privileges are allowed by this charter, nor shall the directors have power to establish any by-law or regulation inconsistent with the Constitution or laws of the United States or of the State of Kentucky.

§ 9. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2244.

1869.

AN ACT for the benefit of the County Courts of Spencer and Bullitt Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county courts of the counties of Spencer and Bullitt to increase the county levy of said counties to three dollars per levy for each year said courts may think proper.

§ 2. This act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2245.

AN ACT in relation to the Town of Lockport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Lockport," approved March 9, 1854, an act amendatory thereof, approved February 17, 1858, be, and they are hereby, re-enacted and declared to be in full force.

§ 2. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2246.

AN ACT to amend the Charter of Jefferson College, at Jeffersontown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the faculty and trustees of Jefferson College, of Jeffersontown, shall have power and authority to grant diplomas and confer degrees to the same extent that any similar institutions of learning in this State are authorized to do; and all such diplomas and degrees heretofore conferred shall be valid in all respects.

§ 2. Said trustees may, and are hereby, authorized to mortgage said college buildings, lands, and other property, to secure any present indebtedness of said college, and any future debt created according to its charter.

§ 3. This act shall be in force from its passage.

Approved March 16, 1869.

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CHAPTER 2247.

AN ACT for the incorporation of the Louisville Medico-Chirurgical Society.

WHEREAS, Drs. E. S. Gaillard, J. A. Octerlony, T. P. Satterwhite, S. P. Breckinridge, S. Brandeis, John Thruston, A. B. Cook, Wm. Forrester, T. E. Jenkins, B. W. Stone, S. H. Hornor, ——— Bolling, J. M. Holloway, L. P. Yandell, jr., J. Holland, G. W. Bayless, L. J. Frazee, T. Owen, J. A. Ireland, S. B. Mills, R. H. Singleton, H. C. Loyd, T. McGregor, Alex. Forsyth, John Goodman, ——— Ruschaupt, Henry Bullitt, R. O. Cowling, physicians and resident practitioners of medicine, in Louisville, Kentucky, have associated themselves under the name and title of the "Louisville Medico-Chirurgical Society;" and whereas, the objects of said association are for the advancement of the science of medicine and the cultivation of amity, order, and uniformity in its practice; and whereas, the said Louisville Medico-Chirurgical Society have prayed us, the Legislature of the State of Kentucky, that they may be created a body-politic and corporate forever, with such powers, privileges, and immunities as may best promote the laudable purposes which they, the members, have in view; therefore, for the assistance and encouragement of the same,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the aforesaid members, their associates and successors, are hereby incorporated and constituted a body corporate, with perpetual succession, by the name and style of the Louisville Medico-Chirurgical Society; and in that name may acquire, hold, and enjoy any gifts, bequests, hereditaments, and all such real and personal estate as may be proper and necessary for the use and accommodation of said society, and may sell and convey the same at pleasure: *Provided*, The annual income of such real and personal estate shall not exceed the sum of five thousand dollars. They may also contract and be contracted with, sue and be sued, implead and be impleaded with, in their corporate name; and may have and use a common seal, and alter and renew the same at pleasure. For the well ordering of said corporation, there shall be the following officers of the same, viz: A president, a vice president, a corresponding and recording secretary, and a treasurer; and said corporation shall have power to create and fill such other offices as may be found convenient and useful to promote its objects; and also to frame a constitution and by-laws, and adopt such rules and regulations as may be deemed necessary for the good government and conducive to the best interests of the same: *Provided*, That such constitution, by-laws, and

regulations shall be in accordance with the Constitution and statutes of this Commonwealth. 1869.

§ 2. This act to take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2248.

AN ACT to incorporate the Ohev Sholom Congregation, in the City of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. Goldsmith, N. Kahn, H. Weil, B. Weilly, and J. W. Kaskel, and their associates, the present members of the Ohev Sholom Congregation, and their successors forever, be, and they are hereby, constituted a body-politic and corporate, by the name and style aforesaid; and by that name shall have perpetual succession, and are empowered to receive by gift, grant, purchase, or devise, such real estate and personal property as may be necessary for the proper enjoyment of their corporate rights, not exceeding twenty-five thousand dollars in value, and sell, exchange, and transfer the same at pleasure; and to form and adopt a constitution and by-laws, not inconsistent with the laws and Constitution of this State and the United States, for the government of said congregation.

§ 2. That said congregation may, at such time as may be determined by the by-laws, elect a president and such other officers as may be necessary.

§ 3. That said congregation may sue and be sued by its corporate name; and in all suits against the congregation, service of process upon the president, and, in his absence, upon the treasurer, shall be sufficient.

§ 4. That said congregation shall be empowered to sell shares at thirty dollars each, for the purpose of buying a lot and erecting a synagogue for worship thereon, not exceeding in amount the sum stated in the first section of this act.

§ 5. That should said congregation ever be so reduced in number as to contain less than five members, it shall, *ipso facto*, be dissolved, and all the property and funds which shall belong to said congregation shall vest in the city of Paducah, to be used as a place of worship of the Jewish population thereof.

§ 6. That said congregation having worked without a charter since May, 1868, all its acts, or of the members thereof, not inconsistent with this act, are hereby legalized.

Approved March 16, 1869.

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CHAPTER 2249.

AN ACT to authorize John Friend, Jailer of Floyd County, to appoint a Deputy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Friend, the present jailer of Floyd county, be, and hereby is, authorized to appoint a deputy jailer of said county, who shall be empowered to act as the deputy of said jailer in said county, and shall have all the power and authority necessary to do so.

§ 2. Before said deputy can act, his appointment shall be approved by the Floyd county court; and he shall give bond in said court, with good security, to be approved by said court, for the faithful performance of his duties, and honestly to account for all moneys that may come into his hands, and shall, in addition to the constitutional oath, take an oath to the same effect.

§ 3. The jailer and his sureties must consent in open court to the appointment of said deputy, and must be responsible for the acts of said deputy.

§ 4. This act shall be in force from its passage.

Approved March 16, 1869.

CHAPTER 2250.

AN ACT to incorporate the Boone's Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That those persons who may subscribe stock to construct a turnpike road from a convenient point on the Cleveland turnpike road, in Fayette county, between the houses of Silas Wolverton and Henry Payne, to some convenient point on the Combs Ferry turnpike road, in the county of Clark, running as near as practicable with the Sulphur Well dirt road, shall, and are hereby, declared to be a body-politic and corporate, under the name and style of the "Boone's Creek turnpike road company;" and by such name shall have perpetual succession; sue and be sued.

§ 2. The capital stock of said company shall be fifteen thousand dollars, in shares of fifty dollars each.

§ 3. The following persons shall be commissioners to obtain stock in said road: Thomas Wallace, Robt. S. Taylor, James Battle, George Gordon, and Wm. Garret, or any two or more of them, may act. They may, at any time and place, open books for subscription of stock to said company, and close the same at pleasure. When stock enough to build two and one half miles shall have

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been subscribed, the company shall be organized by the election of five of the stockholders as a board of directors, one of whom shall be elected president by the board, and who shall continue in office one year, or until their successors are duly elected and qualified. The first board shall be elected at such time and place as a majority of the stockholders may select, and upon ten days' notice posted up at some public place near the commencement of said road.

§ 4. The right of way and the materials for the construction of said road may be obtained in the manner prescribed by chapter 103 of the Revised Statutes, title "Turnpike and Plank Roads."

§ 5. So soon as the said road is completed, a gate may be erected at each end thereof, with the right only to charge half rates, or one full gate may be erected at any convenient point on said road, as the company may choose, with the right of charging the usual rates. So soon as two and one half miles of said road may be completed, a gate may be erected at some convenient place thereon, at which half the rates charged for each five miles of travel may be collected.

§ 6. This act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2253.

AN ACT for the benefit of Messrs. Greenup & Alley, of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Greenup & Alley, of the city of Frankfort and county of Franklin, be, and they are hereby, allowed the sum of one hundred dollars (\$100) for whisky furnished to the superintendent of the Kentucky river navigation, for the use of the hands employed on the works of said river; and the Auditor is hereby directed to draw his warrant on the Treasurer for said sum in favor of said Greenup & Alley, to be paid out of any moneys in the Treasury not otherwise appropriated.

§ 2. This act to be in force from its passage.

Approved March 16, 1869.

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CHAPTER 2254.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Owensboro and Russellville Railroad Company,' approved 27th February, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved February 5th, 1869, entitled "An act to amend an act, entitled 'An act to incorporate the Owensboro and Russellville Railroad Company,'" approved February 27, 1867, be amended as follows: That where any precinct has heretofore or may hereafter, by vote or petition, subscribe any stock to the capital stock of the Owensboro and Russellville railroad company, and bonds for the payment of said stock may have been or may hereafter be issued, and signed by the presiding judge of the county, and clerk of the county court of same, as is authorized and directed by the original charter of said Owensboro and Russellville railroad company, and the amendments to said charter, then said judge of the county, wherever said precinct so subscribing shall be, shall appoint two commissioners, residing in said precinct so subscribing, to take possession of and control the sale and disposal of said bonds; and he shall deliver over to them said bonds so issued to meet the subscription of stock made on behalf of such precinct, first taking bond and approved security from said commissioners that they will use and dispose of said bonds for the purposes intended, and will pay over all moneys arising from the sale or transfer of same to the president, directors, and company of the Owensboro and Russellville railroad company, or their order; and said commissioners are authorized to transfer said bonds, so issued and delivered to them, to said company, on such terms as may be agreed upon, in payment of the subscription of any such precinct, or to sell and transfer same to such person or persons as they may deem proper, and on such terms as they may deem reasonable and adequate.

§ 2. That the presiding judge of any such county shall appoint as commissioners, mentioned in the first clause of this act, such persons as shall be recommended by the justices residing in said precinct; and if no such a recommendation be made to him, then he shall appoint such persons, provided they reside in said precinct, as he may deem proper; and the bond required on their part shall be made to and with the Commonwealth of Kentucky, on which any person or persons, or the Owensboro and Russellville railroad company, may have suit.

§ 3. The presiding judge of any such county, whenever a precinct has or may hereafter make subscription to the capital stock of said company, shall, as is required by the

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acts to which this is an amendment, levy a tax upon the citizens of any such precinct sufficient to pay the interest accruing on all of the bonds issued on the part of any such precinct, and the payment of same, as is prescribed and set forth by the acts to which this is an amendment; and he shall appoint a collector of said tax so levied for such precinct; and in making such appointment he shall appoint such person or persons as the justices of said precinct may recommend, and upon the terms agreed upon between said justices and the person so recommended; but if, in notifying said justices, they refuse or neglect to recommend, then it shall be the duty of the presiding judge of said county to appoint some discreet person residing in said precinct as collector aforesaid; and he shall take from any such collector so appointed his bond, with approved security, conditioned to perform all his duties as collector, and to pay over all moneys so collected by him whenever directed by said judge to be paid into the treasury of said county; to be used and controlled by the county court of said county for no other purpose than the payment of the semi-annual interest on the bonds issued on behalf of such precinct, or in the final payment or extinguishment of said bonds.

§ 4. That this act does not repeal any of the acts or amendments to which this is an amendment, or any parts of same, except such clauses as may conflict with this act.

§ 5. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2255.

AN ACT to incorporate the Raccoon Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Columbus Kirtley, James C. McGrew, Robert D. Barr, Elizabeth Barr, Mary E. Barr, their associates and successors, are hereby incorporated and made a body-politic, by the name and style of the "Raccoon Mining and Manufacturing Company;" and by that name may sue and be sued, plead and be impleaded, in all courts and places; contract and be contracted with, in all matters pertaining to the business and objects of the corporation, and do any and all acts which a corporation incorporated for similar purposes may or can do in fulfillment of its charter and the objects and ends of its organization; may have a common seal, which may be changed and altered at the pleasure of the company.

1869. § 2. The objects and purposes of the incorporation of said company shall be the mining for coal, iron ore, and any and all other minerals or mineral substances or the direct products of the earth, or any and all of them, and the manufacture and refining of any or all of them, and transportation to market of the same.

§ 3. The location and field of mining and manufacture of said company shall be in Greenup county.

§ 4. The capital stock of said company shall be one hundred thousand dollars, to be increased by a vote of a majority of the members to any sum not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and assignable in such manner as may be prescribed by the by-laws of the company; and lands and other real estate, mines and mining rights, may be subscribed as a part or the whole of said stock, upon such terms as may be agreed upon by the subscribers and the company.

§ 5. The stock, property, and general prudential affairs of said company shall be managed by a board of not less than three nor more than seven directors, to be chosen for one year by the stockholders; and every stockholder shall have one vote for each share owned by him, her, or them: *Provided*, The directors first elected shall hold their office for the remainder of the current year: *And provided further*, That a president of the board shall also be elected by the directors from among them or the stockholders, who shall hold his office for the same term with the directors. The president and directors shall be stockholders of the company, and they may appoint such other officers and agents and employes as they may deem proper. A majority of the directors shall constitute a quorum.

§ 6. The company shall keep a book, which shall be open to the inspection of the stockholders and each of them at all times, in which shall be kept the names and amount of stock held and owned by each stockholder, and the amount paid in; also, a book in which shall be kept a full and faithful account of the proceedings, elections, rules and by-laws, and acts of said company, except its accounts and contracts with individuals.

§ 7. The president and directors may make such by-laws as they may deem proper, prescribing the times, places, and manner of holding elections, the transferring of stock, the forfeiture thereof for non-payment, the time and manner of payment, the duties of officers, agents, and employes, their authority and powers, filling vacancies in office, the character, kind, and amount of business, and all such as may be necessary for the proper, prudential, and effective management of the property and business of the corporation, and the objects and interest of its cre-

ation, provided the same are not repugnant to this act, the Constitution and laws of this State, and of the United States.

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§ 8. Said company shall have power to take, acquire, and hold such lands, mines and mining rights, as they may deem necessary for the uses of said company, and all such personal property, machinery, boats, floats, &c., as may be necessary, and to dispose of, for the use of the company and the stockholders, any or all of the same.

§ 9. The company shall have power to build and construct a railway or tram-way—one or more—from their mines and lands to any other rail or tram-way, or to the Ohio river, or any other navigable river of the State: *Provided*, For the condemnation of the right of way or lands for said purposes, the same proceedings shall be had as prescribed by the Revised Statutes for the condemnation of lands for the use of turnpike and plank roads: *And provided*, The same shall not obstruct any public highway or navigable stream.

§ 10. This act shall be in force from its passage.

Approved March 16, 1869.

CHAPTER 2256.

AN ACT to incorporate the Kentucky Cement Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jno. E. Pilcher, J. T. Montgomery, and O. H. Strattan, and their successors, be, and they are hereby, created a corporation and body-politic, by the name and title of the "Kentucky Cement Company," for the purpose of manufacturing and selling hydraulic cement, lime, barrels, shingles, building materials, and of developing, leasing, and selling the same; and they, with their successors, shall have perpetual succession; and by that name are hereby made as capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded with, answer and be answered, in all courts of law and equity of this Commonwealth and elsewhere; to have and use a common seal, and alter the same at pleasure; and to purchase and hold all of the necessary amount of cement land, and such other real and personal property as shall be necessary in the prosecution of their business.

§ 2. The capital stock of said corporation shall be two hundred thousand dollars, in shares of one thousand dollars each; and the company shall have power to increase

1869. the same to four hundred thousand dollars, to cover costs and the value of the investments.

§ 3. There shall be an election at least once every year, at such times and place as may be fixed by the by-laws, of a board of five directors, who shall be stockholders, and shall continue in office until their successors are chosen; and at such election, each share of stock shall be entitled to one vote. The board shall select one of their number to be president, and may fill any vacancy that may occur between any of the regular elections. All officers of the corporation shall be stockholders of said corporation.

§ 4. The stock of the corporation shall be personal property, and all State, county, and city taxes that shall be levied on the same shall be paid by the corporation in the city and county where it is located; but said stock shall not again be subject to taxation in the hands of individual stockholders or their assignees. The said stock to be transferred by writing on the books of the company, as may be prescribed by the by-laws.

§ 5. The corporation shall have power to make their stock payable in calls on the stock so subscribed.

§ 6. This act to take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2256.

AN ACT to incorporate the Deposit Bank of Murray.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. L. Ellison, W. J. Stubblefield, R. E. Beckham, A. S. Thompson, T. M. Jones, and G. A. C. Holt, are hereby appointed commissioners to obtain subscriptions to the stock of the corporation hereinafter created, who, or any one of whom, may, at some convenient time and place in the town of Murray, Kentucky, of which due notice shall have been given by written notices posted on the court-house door in said town, at which time they may open books and receive subscriptions of stock to said institution, and shall keep said books open until all the stock is taken, or as long as the persons so opening said books may deem necessary.

§ 2. That the capital stock of said institution shall not be less than ten thousand dollars nor more than one hundred and fifty thousand dollars, divided into shares of one hundred dollars each, which shall be personal estate, and transferable in such manner, and under such regulations, as the board of directors may prescribe.

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§ 3. As soon as ten thousand dollars shall have been subscribed and paid into the stock of said company the books of subscription may be closed and delivered over to the subscribers, who shall thereupon constitute a body-politic and corporate, with the corporate name of the "Deposit Bank of Murray." They and their successors shall so continue for the term of twenty years; and may contract and be contracted with, sue and be sued, and may exercise all the other powers usually incident to such corporations.

§ 4. Upon the receipt of the books of subscription, the subscribers, or a majority in value of them, shall meet and elect five persons, who shall be stockholders, to serve as directors of said institution until the first Monday in January following, and until their successors shall be elected. The annual meeting of the stockholders shall be held on the first Monday in January in each year; but meetings may be held oftener if the board of directors require it; and in all meetings each person shall be entitled to one vote for each share of stock held by him or her. The officers shall hold their offices for one year, and until their successors shall be elected; but may be removed by a majority at any regular or called meeting of the stockholders. The directors may choose one of their number, or out of the other stockholders, as their president; may appoint a secretary and such other officers as they may require; fix their compensation, prescribe their duties, and take bond and security for the faithful performance thereof; may prescribe the times and manner of paying in the stock, and shall have general control of the affairs of the bank.

§ 5. The directors shall annually appoint two or more stockholders to attend at Murray and hold the annual election.

§ 6. At each annual meeting of the stockholders a committee shall be appointed, who shall, at least twice in each year, examine into the condition of the bank, and file their report in said bank, which report shall be accompanied by their affidavit of the truth and correctness of said report, and the same shall be subject to the inspection of the stockholders, and shall also be published in one of the Paducah papers for two weeks.

§ 7. The business of said bank shall be to receive money and bank notes, or other valuables, on deposit, and it may allow the depositors such interest thereon as may be agreed on, not exceeding that allowed by the general laws of this State; to loan money, to deal in gold and silver coin, bullion, bills of exchange, promissory notes, and other securities; to buy and sell the stock of other companies, and the bonds of counties, towns, States, and the United

1869. States; but it shall not issue notes or bills or other instruments intended for circulation as money.

§ 8. All promissory notes negotiable and payable at some incorporated bank of issue in this State, purchased or discounted by said bank, shall be put on the footing of foreign bills of exchange, so far as pertains to the responsibility of the parties and the mode of collecting, and remedy may be had, jointly and severally, against the drawers and indorsers thereon.

§ 9. The directors shall annually, or semi-annually, if they see proper, declare dividends of the profits arising from the business of the bank.

§ 10. Should any person make a deposit in said bank, and be refused payment thereof on demand made for the same, according to the terms of the deposit, and without lawful excuse, said bank shall pay to the depositor the amount of his deposit and ten per cent. damages on the amount thereof, to be recovered by suit in the Calloway circuit court.

§ 11. Said bank shall pay its deposits in gold and silver or currency of the like kind of that deposited, according to the agreement of the parties.

§ 12. Said bank may hold any real estate that may be necessary in the way of banking-houses and houses and lots for its offices; but shall not have power to dispose of any real estate pledged to it to secure debts, except as is now provided by law; but may, when they purchase real estate to satisfy their debts, have the right to dispose of it as natural persons. Said bank shall be located at Murray, Kentucky, and shall have the right to keep offices for the carrying out and facilitation of its business anywhere within fifty miles of said place.

§ 13. If, at any time, the charter of said bank shall be forfeited, or a depositor shall be refused payment of the whole or any part of his deposit in said bank, according to the provisions of section ten of this act, in order to secure the payment of the debts of said bank, each and every stockholder shall be responsible for the full amount of his stock in said bank at the date of such forfeiture or refusal to the creditor of the bank; and to that extent shall be personally liable for the debts due from said bank; and upon his failure to pay the same, suit may be instituted against the stockholders, jointly or severally, for the recovery of such debts to said extent, in any court of competent jurisdiction in said county.

§ 14. Said bank may receive deposits from infants and married women, and the receipts and acquittances from such persons shall be valid.

§ 15. It shall be the duty of the president, on the first Monday in July in each year, to pay into the Treasury of

this State fifty cents on each one hundred dollars of stock held and paid for in said bank, which shall constitute a part of the Sinking Fund; but which shall be in full of all taxes and bonus that might be hereafter imposed on said bank or its stock.

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§ 6. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2259.

AN ACT incorporating the Farmer's Store and Lane's Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. Farmer and M. D. Averill, of the county of Franklin, and J. P. Reddin, of the county of Anderson, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Farmer's Store and Lane's Mill turnpike company; and by the said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places in this Commonwealth; and to have and use a common seal, and break, alter, or change the same at pleasure.

§ 2. The said company are hereby authorized and empowered to construct a turnpike road from Little Benson creek, at or near Lane's Mill, in Franklin county, to Farmdale, on the Frankfort and Lawrenceburg turnpike road, in Franklin county; and in order to raise the funds necessary to construct the same, shall have the power to raise a sum by the issue and sale of the capital stock not exceeding five thousand dollars, to be divided in shares of fifty dollars each.

§ 3. That the books for the subscription of stock shall be opened at Farmdale under the direction of the persons hereinbefore named, all of whom are hereby made commissioners to obtain subscriptions to the capital stock of the said company, and they shall provide books which shall contain the following obligation: "We, whose names are hereto subscribed, do severally bind ourselves to pay, respectively, to the president and directors of the Farmer's Store and Lane's Mill turnpike company the sum of fifty dollars for each and every share of stock set opposite our names, in such manner, and at such times, as shall be required by the president and directors of said company." And when the president and directors shall be chosen as hereinafter provided, they shall have full control of said

1869. books, and may cause the same to be open from time to time until the entire amount of stock herein authorized be subscribed.

§ 4. As soon as a majority of the said commissioners shall be of the opinion that a sufficient amount of stock is subscribed to justify the commencement of the said road, they shall call a meeting of stockholders, and hold an election for a president and three directors, who shall hold their offices for one year, and until their successors are chosen: *Provided*, That should a vacancy occur, the remaining directors shall fill the same by appointment. The directors shall have power to appoint a secretary and treasurer, and the treasurer shall execute bond, with security, to the said company, before he enters on the discharge of his duties, for the faithful performance of same.

§ 5. That the entire width of said road shall not exceed eight (8) feet; and its elevations and depressions, and the amount of stone or gravel to be placed upon it, shall be left discretionary with the president and directors. They shall also fix the location of said road on such route as they may deem best in their judgment.

§ 6. That it shall be lawful for the president and directors to order and establish such by-laws as may be necessary for the benefit of the corporation.

§ 7. That as soon as the president and directors of said company shall have located said road, they shall be authorized to receive the written consent of any of the landholders through whose land the road may pass, and the grant of the right of way, lumber, stone, soil, and timber to make said road, and keep the same in repair; which consent, when given, shall be valid to all intents and purposes.

§ 8. That stockholders of said road, and others who may contribute to the construction of the same, shall be, and are hereby, free and relieved from working, as required by law, all public roads: *Provided*, They shall continue to keep in repair said turnpike road.

§ 9. That the provisions of the Revised Statutes regarding turnpike companies, and not inconsistent with the provisions of this act, shall be parts hereof.

§ 10. This act shall be in force from and after its passage.

Approved March 16, 1869.

CHAPTER 2260.

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AN ACT for the benefit of D. R. Macinney, of Estill County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of thirty-seven dollars and five cents is hereby appropriated to D. R. Macinney, out of any money in the Treasury not otherwise appropriated, for the purpose of recompensing said Macinney for a delinquent list filed in the Auditor's Office and mislaid by said Auditor for the year 1863, which list has been since found on file in said Auditor's Office. The Auditor is directed to draw his warrant on the Treasurer in favor of said D. R. Macinney for the said sum of thirty-seven dollars and five cents.

§ 2. This act shall be in force from its passage.

Approved March 16, 1869.

CHAPTER 2261.

AN ACT to incorporate the German Odd Fellows' Mutual Life Assurance Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. Reutlinger, A. Rammers, L. Echstenkemper, A. Struck, and F. Schwenck, with their associates, successors, and assigns, be, and they are hereby, created a corporation and body-politic, with perpetual succession, by the name, style, and title of the German Odd Fellows' Mutual Life Assurance Association of Louisville, Kentucky, for the purpose of organizing and conducting an association for the benefit of the widows and orphans, or assigns, of deceased members; and in that name are hereby made as capable in law as natural persons to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in this Commonwealth or elsewhere; and to make, have, and use a common seal, and the same to alter or exchange at pleasure.

§ 2. Said corporators may, at their convenience, open books for the enrollment of members, and shall prescribe the necessary qualifications of members, and establish the admission fee to be paid by each member, which shall not exceed five dollars, and an annual fee which shall not exceed one dollar, for contingent expenses; and so soon as fifty members are enrolled, they shall proceed to organize the association by electing a board of seven directors, who shall be members of the association, and shall serve for the period of one year; each member enrolled shall be en-

1869. titled to one vote in the election of directors; and upon every succeeding twelve months from the day of the first election, the members shall proceed in like manner to elect a board of directors to serve during the ensuing twelve months.

§ 3. Each board of directors shall elect a president, secretary, and treasurer, to serve during their term of office.

§ 4. The board of directors shall enact such by-laws, rules and regulations, as they may deem necessary for the government of the association, and shall have control and management of the funds and business of the association.

§ 5. The first board of directors, as soon as organized, shall prescribe the mode and manner of collecting the admission fee from the enrolled members; and any member failing to pay said fee within the time specified by the directors shall cease to be a member of the association, and forfeit all right and privileges he may have possessed as such, until such additional fee is paid as the board of directors may prescribe; and all persons becoming members, after the association is organized, shall pay the admission fee at the time of enrolling their names.

§ 6. The fund accumulated from admission fees and interest, or dividends accruing therefrom, may be invested in stock, bonds, or mortgages, subject only to the order or control of the board of directors.

§ 7. Upon the death of a member, the officers of the association, upon ascertaining that the member was not in arrears of the association, shall make the assessment of one dollar upon each and every member of the association, which shall be payable to the secretary within thirty days thereafter, on penalty of forfeiting all rights and privileges in the association, and the aggregate amount of the assessments shall be paid within ten days after to the widow and orphans of said deceased member; failing these, it shall be paid to the father and mother; failing these, to the brothers and sisters, or it may be paid in any manner which may have been prescribed in writing, and filed with the association, by the deceased member: *Provided*, That the widow and orphans shall be first entitled. No legal power or process whatever shall restrain the officers of this association from paying all amounts due the beneficiaries of deceased members to such beneficiaries or their legal representatives, and shall, in no case, be liable for debts due by such deceased member at the time of his death.

§ 8. No person shall be entitled to admission into this association except he be a member in good standing of some lodge of the Independent Order of Old Fellows, held in the city of Louisville, State of Kentucky, in good

health at the time of application, and not over fifty years of age.

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§ 9. The business office of this association shall be in the city of Louisville, Jefferson county, State of Kentucky; and the board of directors may call a general meeting of the members whenever, in their judgment, the interest of the association may require.

§ 10. Said company shall, in all respects, fully comply with all requirements of any general insurance laws now in force, or which may hereafter be in force in this Commonwealth, before transacting any business of insurance.

§ 11. This act shall be in force from its passage.

Approved March 16, 1869.

CHAPTER 2262.

AN ACT to restore the Old Boundary of the District of Highlands, in Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of the district of Highlands, in Campbell county, as provided for in the original act to establish and incorporate said district, be, and the same is hereby, re-established, and the territory cut off from said district by the provisions of this act is hereby restored to the Cold Spring district; but before any territory shall be taken from the Jamestown district, the question shall be submitted to the qualified voters of said district at the next August election; and if a majority of all the votes cast at said election in said district shall be in favor, it shall become part of the district of Highlands, and be incorporated therewith; and if not, it shall remain as it now is.

§ 2. That all persons residing within the district of Highlands, who have the qualification of voters, whether they are the owners of real estate or not, shall be entitled to vote at all elections held in said district.

§ 3. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2263.

AN ACT to incorporate the Beaver Dam Baptist Church, in Ohio County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. S. Coleman, E. G. Render, E. H. Coleman, J. H. Taylor, E. F. Tatum, and P. P. Walker, their successors, be, and are hereby, created a body-politic and

1869. corporate, by the name and style of the "Baptist Church at Beaver Dam," Ohio county, Kentucky, and by said name to have perpetual succession; and by their corporation may have power to buy, take by bequest or devise, or by gift or deed, any real or personal estate, not exceeding the amount allowed by law to churches, and to hold, convey by rent, lease, or otherwise dispose of, said property, with all the powers incident to religious corporations.

§ 2. That said trustees may sue and be sued, plead and be impleaded, answer and be answered unto, so far as may be necessary to protect the rights and property of said church, and to secure any demand due or to become due the same.

§ 3. That the said trustees shall continue in office for one year, or until their successors are elected by the rules and regulations of said church; and should any vacancy occur in the said board of trustees by death, removal, withdrawal, or dismissal of any of its members from the church, or by the resignation of any of its members, the church shall elect one to fill such vacancy.

§ 4. That said trustees may have and use a common seal, which may be changed at their pleasure; and that a majority of said trustees shall constitute a quorum to do business; and they shall appoint from their number a chairman and secretary; and all transfers or conveyances of church property, and all written contracts, shall be signed by the chairman and secretary; and all such conveyances shall pass the title of the church.

§ 5. The said trustees shall keep a correct record of all their proceedings, which shall at all times be open to the inspection of the officers and members of the church.

§ 6. This act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2264.

AN ACT for the benefit of School District No. 5, in Nelson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of school district No. 5, in Nelson county, are hereby allowed to make their school report for the year 1868 on or before May 20th, 1869, and be entitled to draw their portion of the School Fund for said year: *Provided*—1st. That payment be made for said district only out of whatever, if any, surplus for the school year 1868 may remain to the credit of Nelson county, and at a rate per child not exceeding that at which payment was

made out of the revenue of the School Fund proper for the year for which the school was reported to have been taught: *Provided*—2d. That if there is not a sufficiency of surplus to pay the full claim, payment shall be made out of the bonded fund to the credit of Nelson county.

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§ 2. This act to take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 285.

AN ACT to incorporate Lost Fork and Otter Creek Turnpike Road Company, in Madison County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created a body-politic and corporate, under the name and style of the Lost Fork and Otter Creek turnpike road company, for the purpose of constructing an artificial macadamized turnpike road from the Richmond and Boonsboro turnpike road, at or near Republican Church or T. G. Parish's, in Madison county, down or near the meanderings of Lost Fork, to or near Joel Karr's or Red-house, on the Otter Creek, Richmond, and Boonsboro pike, in said county.

§ 2. The capital stock shall be ——— thousand dollars, divided into shares of fifty dollars each.

§ 3. The following commissioners, or such of them as may choose to act, are appointed to receive subscriptions of stock in said company, viz: Dr. G. W. Evans, C. M. Taylor, Ben. T. Gentry, William Miller, T. D. Chenault, Overton Burgin, T. G. Parish, and Perry Karr, who may open books at such times and places as they or any two of them may think proper, until all of said stock, or so much as may be necessary to construct said road, be taken.

§ 4. The commissioners shall procure books, in which the stockholders shall enter into the following obligation, to-wit: "We, whose names are hereunto subscribed, promise to pay to the president, directors, or company of the Lost Fork and Otter Creek turnpike road company, the sum of fifty dollars for each share of stock set opposite our names, in such proportions, and at such times, as the president and directors may require."

§ 5. That the stockholders shall be entitled to one vote for every share of stock held by them, either in person or by proxy, in writing.

§ 6. That a president and three directors and treasurer shall be elected by the shareholders, at a public meeting, to be held at any point on said contemplated road, at such time as they may think best, notice of such meeting hav-

1869. ing been given by written notice having been posted up at three or more places on said route, at least ten days before said election.

§ 7. The president and directors may have power to appoint such other officers as they may deem necessary; may have power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with; and may make such by-laws as they may deem necessary, so that they do not conflict with the law of this State.

§ 8. That the said president and directors shall have power to fix the grade, locate, build, and establish said road between the points designated; and may acquire by purchase, relinquishment, gift, writ of *ad quod damnum*, deed, or otherwise, the right of way for the road, and also ground for the toll-house, not exceeding one acre; and such timber, rock quarries, &c., as may be necessary for the completion and keeping in repair said road, by paying a reasonable compensation therefor.

§ 9. The president and directors shall hold their offices for twelve months, or until their successors are elected and qualified; and after the first election they shall be elected on the first Saturday in May of each year.

§ 10. That after the completion of said road, the directors may erect a toll-gate and charge toll the same as if said road was five miles long.

§ 11. This act to take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2267.

AN ACT to incorporate the London, Grayson, and Ohio River Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That Robert Boyd, of Laurel county, John W. Kendall, of Morgan county, William L. Hurst, of Wolfe county, John G. McGuire, of Owsley county, D. D. Sublett, of Magoffin county, and William C. Halbert, of Lewis county, in the State of Kentucky, or such of them as shall act, are hereby appointed commissioners; and they and their associates and successors are created a body-politic and corporate for the purpose of constructing a railroad from the town of London (or some point on the Louisville and East Tennessee railroad, within ten miles of London), in Laurel county, Kentucky, to the Ohio river, at Vanceburg, Lewis county, Kentucky, by way of Grayson, in Carter county, Kentucky, or within ten or fifteen miles of Grayson.

§ 2. The style and name of the corporation hereby created shall be the "London, Grayson, and Ohio River railroad company."

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Name & style.

§ 3. The capital stock of said company shall be five million of dollars, to be divided into shares of one hundred dollars each; and individuals, railroad companies, and other corporations, either in or out of this State, are authorized to subscribe for and hold stock in said company.

Capital stock.

§ 4. The commissioners aforesaid, or such of them as may act, shall have power to open books and receive subscription of stock in said company, at any place or places, either in or out of this State, and at any time they may appoint, and upon such notice as they may deem proper; said stock to be paid in money or property, work and materials, or in such other manner, and in such installments, as may be agreed upon between them and the subscribers.

Commissioners to open books for the subscription of stock.

§ 5. When *bona fide* subscriptions of stock to the amount or value of one hundred thousand dollars shall have been made, the said commissioners, or those acting, shall give notice thereof, and assemble the stockholders at some convenient point; and said stockholders, from their body, shall elect fifteen (15) directors, one of whom, to be elected by the directors, shall be president of the company; they shall remain in office one year, or until their successors shall be elected; and which election shall be annually made by the stockholders at some convenient place, of which reasonable notice shall be given. The stockholders may provide that the president and five directors may constitute a quorum of the board of directors.

When may organize.

§ 6. After the organization of the company as directed by the foregoing section, the management and control of the affairs of the company shall be committed to said board of directors; they may continue to receive subscriptions of stock; may acquire and hold such personal and real estate as may be necessary and convenient for the objects of the company; may sell and convey the same, and do all and everything else which may be necessary and proper for the building, equipping, and operating said road; to fix the rates to be paid for travel, and the conveyance of freight over said road, not exceeding the rates charged by other similar roads in this State.

Additional powers.

§ 7. Said company shall have power and authority to purchase, acquire, and hold any line of railway, finished or unfinished, lying along its line or crossing the same, and all the chartered rights and privileges granted to the same, and all its property, right of way, &c., and may proceed to construct and operate their road upon and along the line of any such finished or unfinished railway.

May purchase other roads.

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Rights and
powers.

§ 8. The said company, through its board of directors, shall have and may exercise all the powers, and shall have all the rights and privileges usual, incident, and necessary to the purposes of such a corporation, not inconsistent with the Constitution and laws of the United States and of this State.

Vote may be
taken in coun-
ties through
which road
passes.

§ 9. That whenever the said London, Grayson, and Ohio River railroad company shall request the county court of any county, through or adjacent to which it is proposed to construct said road, to subscribe, either absolutely or upon specified conditions, a specified amount to the capital stock of said company; the county court so requested shall forthwith order an election to be held at the several voting places in said county, on a day to be fixed by the court, not later than thirty (30) days after the making of such order, and shall appoint judges and other officers necessary to hold said election.

Sheriff to give
notice to offi-
cers of election.

§ 10. That it shall be the duty of the sheriff of such county to give notice to the officers appointed to hold said election, in the same manner as is now provided by law in regard to other elections; and in case any of the officers appointed shall fail to attend or refuse to act, others may be appointed in the same manner as at general elections.

Poll-books to
be returned to
county clerk.

§ 11. That the person acting as sheriff at the several precincts shall return to the clerk of the county court, within five (5) days after the day of such election, the poll-books of their respective precincts, and on the next day thereafter the county judge and county clerk shall count the vote; and if it shall appear that the majority of those voting voted in favor of the subscription of stock as proposed, the county judge shall order the vote to be entered on the record, and the subscription to be made by the clerk, on behalf of the county, on the terms specified in the order submitting the question to a vote.

Vote may be
taken by pre-
cincts.

§ 12. That whenever said railroad company shall request the county court of any county to do so, it shall be the duty of such court forthwith to submit to the qualified voters of any designated precinct or precincts in said county the question whether the court shall subscribe to the capital stock of said company, on behalf of said designated precinct or precincts, the amount of stock specified in the request of said company, either absolutely or on such conditions as may be proposed by said company. Said election shall be held on a day to be fixed by the court, not less than thirty nor more than sixty days after the order is made, and shall be conducted by officers to be appointed by the court; and the poll-books shall be returned, and the vote shall be counted and entered on the record of the county court, in the same manner as prescribed in section four of this act; and if a majority of all those voting

in such designated precinct, or a majority of the aggregate votes cast in such designated precinct or precincts, shall be in favor of making such subscription, the court shall order the clerk forthwith to make the subscription on behalf of the precinct or precincts to which the question was submitted, and in accordance with the terms upon which it was submitted.

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§ 13. That whenever the city council of any city, or the board of trustees of any town, into or near to which it is proposed to construct said road, shall be requested to do so, it shall be the duty of such city council or town trustees to submit to a vote of the qualified voters of such city or town, on a day to be designated by such council or trustees, not later than thirty (30) days after the application is made to them by said company, the question of subscribing for and on behalf of such city or town the amount of stock proposed by said company on the terms proposed; and if a majority of those voting shall vote in favor of making such subscription, it shall be the duty of such city council or board of trustees to enter the vote on its records, and the mayor of such city, or president of the board of trustees of such town, shall make the subscription in accordance with the vote.

Cities, towns, &c., may take stock.

§ 14. That if any county, city, or town shall subscribe to the capital stock of said London, Grayson, and Ohio River railroad company, under the provisions of this act, it shall be the duty of the county court of such county, the mayor and council of such city, and the board of trustees of such town, to issue the bonds of such county, city, or town, in denominations of not less than one hundred nor more than one thousand dollars, in payment thereof, with coupons attached, under the seal of the county, city, or town, the bonds of the counties to be signed by the county judge, and countersigned by the clerk, and the coupons to be signed by the clerk alone. The bonds of cities subscribing shall be signed by the mayor, and countersigned by the city clerk or auditor, and the coupons shall be signed by the clerk or auditor alone. The bonds of towns subscribing stock shall be signed by the president of the board of trustees, and countersigned by the town clerk, and the coupons shall be signed by the clerk alone. Such bonds shall be negotiable and payable to bearer in the city of New York at not more than thirty (30) years from their date, and shall bear interest at a rate not greater than eight (8) per cent., payable semi-annually in the city of New York.

County, city, or town may issue bonds.

§ 15. That if any election district or districts in any county shall subscribe to the stock of said company, under the provisions of this act, it shall be the duty of the county

Districts may issue bonds.

1869. court of such county to issue the bonds of such district or districts in payment thereof, in every respect as if such subscription had been made by the county, except that the bonds shall show on their face the district or districts for which they are issued, and such districts shall be alone bound to pay said bonds and their interest.

May levy tax
to pay bonds.

§ 16. That in case any county, city, or town, or election district, shall subscribe to the capital stock of said London, Grayson, and Ohio River railroad company, under the provisions of this act, and issue bonds for the payment of such subscription, it shall be the duty of the county court of such county, the city council of such city, and the trustees of such town, to cause to be levied and collected a tax sufficient to pay the semi-annual interest on the bonds issued and the cost of collecting such tax, on all the real estate and personal property in said county, city, or town, subject to taxation under the revenue laws of the State, including the amounts owned by residents of such county, city, town, or election districts, which ought to be given in under the equalization laws.

Sinking fund
commissioners
to be appointed

§ 17. That on levying a tax as provided for in this act, to pay the interest on bonds issued by the county court of any county, whether for the whole or only a part thereof, or of any city or town, it shall be the duty of the county court, city council, or town trustees making such levy to appoint three (3) resident tax-payers of such county, or part of a county, city, or town, who shall be styled the board of commissioners of the sinking fund of such county, part of a county, city, or town. The commissioners so appointed shall, before they proceed to discharge their duties, be sworn in the presence of the court, council, or trustees appointing them, faithfully to discharge their duties according to the best of their skill and judgment. They shall hold their offices at the pleasure of the court, council, or trustees by whom they are appointed. They shall immediately appoint one of their number treasurer, [who] shall execute bond, payable to the Commonwealth, with such security as shall be approved by the court, council, or trustees appointing the commissioners, conditioned for the faithful keeping and disbursing of all money coming to his hands as treasurer of such board, on which bond suit may be brought, from time to time, by and in the name of such county, or part of a county, city, or town, or by any other person injured by any breach of his bond, in any court having jurisdiction of the sum claimed in such suit. Such treasurer may be required at any time to give a new bond; and any surety in such bond shall be entitled to the same remedies for procuring additional or counter-security as are now given to the sureties of guardians, administrators, &c. Said treasurer shall be allowed

Their powers
and duties.

for his services such compensation, not exceeding one per cent. on the money received and paid out by him, as may be allowed by the court, council, or trustees appointing such commissioners respectively. In case a vacancy shall occur in said board of commissioners, such vacancy shall be filled by the court, council, or trustees by whom such board was appointed.

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§ 18. That taxes levied under the authority of this act, in any county, or part of a county, shall be collected by the sheriff of such county; and taxes levied in any city or town shall be collected by the officer of such city or town who is by law the collector of taxes levied for the ordinary purposes of such city or town; but before any sheriff or other officer shall be authorized to collect any such tax, he shall execute bond, if a sheriff, with such security as may be approved by the county court, and if a city or town officer, with such security as may be approved by the council or trustees of such city or town, conditioned that such officer will promptly and faithfully collect and pay over to the proper person, within the time prescribed by law, all taxes levied under this act which may be placed in his hands for collection.

Who to collect taxes.

§ 19. That sheriffs and other officers having in their hands for collection taxes levied under this act, shall have all the powers of distraining and selling personal property which sheriffs have in the collection of the State revenue; and when such officer shall be unable to find personal property liable to sale for the unpaid tax of any individual, he may levy the same on any real estate of such person situated in the county, and sell the same under the regulations prescribed by law for selling real estate under execution; and all taxes levied under this act shall be a lien on the real estate of the person taxed which shall lie in the county in which such tax is levied; but the owner of any real estate sold may redeem the same at any time within five years after such sale, by paying the purchase money and ten per cent. per annum thereon, with all taxes of every description paid by the purchaser after his purchase, and ten per cent. per annum thereon.

Powers of collectors.

§ 20. That sheriffs or other officers selling real estate for taxes levied under this act, shall give to the purchaser a certificate of his purchase, which shall describe the real estate sold, and state the amount for which it was sold, and the date of sale, which certificate shall be lodged by the purchaser with the clerk of the county court within sixty (60) days, who shall record the same in a book to be kept for the purpose, and for which such clerk shall be entitled to charge a fee of fifty cents; and if such certificate is not recorded as herein provided, the land may be redeemed at any time within fifteen years, on paying the

In relation to sale of property for taxes.

1869. purchase money and six per cent. per annum thereon, and other taxes paid by the purchaser and six per cent. per annum thereon.

Pay of collectors.

§ 21. That sheriffs and other officers collecting taxes levied under this act shall receive the same compensation as is allowed by law, for the time being, for collecting the State revenue.

When taxes collected and paid over, &c.

§ 22. That one half of the tax levied in any one year shall be collected by the sheriff or other officer in whose hands the same is placed for collection, and paid over to the treasurer of the board of commissioners of the sinking fund within one hundred and twenty days after the same is placed in his hands, and the residue within six months after the first ought to have been paid; and if any sheriff or other officer whose duty it is to collect taxes levied under this act, shall fail or refuse to execute bond as required by this act for thirty days after the tax is levied, the court, city council, or board of trustees levying such tax, may appoint a collector, who shall execute bond with good security, and shall have all the powers and be subject to all the duties and liabilities of sheriffs and other officers in collecting taxes under this act.

Penalty for failing to collect.

§ 23. That if any sheriff or collector, having in his hands for collection taxes levied under this act, shall fail to collect and pay over the same within the time prescribed, such sheriff, collector, or other officer shall, with his sureties, be liable for the amount not paid as required, and ten per cent. thereon, to be recovered on motion, on ten days' notice, in any court having jurisdiction; and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same, that no security of any kind is to be taken.

Duty of commissioners of sinking fund.

§ 24. It shall be the duty of the commissioners of the sinking fund to see that the sheriff or other officer collects and pays over taxes placed in their hands according to law, and to institute legal proceedings against them on their failure to do so. They shall appropriate such moneys, when collected, to the payment of the interest on the bonds of their county, city, or town. They shall, whenever a dividend is declared by said London, Grayson, and Ohio River railroad company, cause their treasurer to receive the same, and pay the interest on their bonds out of it; and when a surplus shall remain after paying the interest due, they shall apply such surplus to the purchase of their bonds, if they can be purchased at par or less than par, and if they cannot be purchased at par or below par, they shall invest such surplus in some safe and profitable manner, and in such a way that the money may be readily realized when needed to buy or pay off bonds.

§ 25. That all dividends which shall be received upon the stock held and owned by any county, part of a county, city, or town, under this act, shall be, and are hereby, set apart to be held sacred as a sinking fund, to be only used, as provided in this act, for the payment of the principal and interest of the bonds issued under the authority of this act.

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Dividends set apart.

§ 26. That in case the dividends upon the stock held and owned under this act by any county, part of a county, city, or town, and for which bonds shall have been issued, shall not be sufficient to enable such county, city, or town to pay its bonds at maturity, it shall be the duty of the commissioners of the sinking fund to report such fact to the county court, city council, or town trustees, at least five years before the maturity of said bonds; and if any county court, city council, or the trustees of any town, owing such bonds, shall deem it proper to do so, they may issue new bonds, having not more than twenty years to run, and payable at such place as may be designated on the face of such bonds, bearing the same interest, and secured in all respects as the bonds first issued are secured, and sell such bonds or exchange them for the old bonds: *Provided, however,* That if any county court, city council, or town trustees, shall deem it inexpedient to issue and sell such new bonds, or shall be unable to raise money necessary to pay off its bonds at maturity, by a sale of new bonds, it shall be the duty of such county court, city council, or town trustees, to cause a tax to be levied and collected on all the property in such county, city, or town, which, by the provisions of this act, is subject to taxation, to pay interest sufficient, when added to any sum raised by sale of new bonds, to discharge the old bonds at maturity: *Provided also,* That any tax levied under the provisions of this section shall be collected by the same officers, under the same powers, and subject to the same responsibilities, in every respect, as provided in this act in relation to the collection of taxes levied to pay interest.

Proceedings in case dividends not sufficient to pay bonds.

§ 27. That in case a direct tax shall be levied to pay all or any part of the bonds of any county, city, or town, issued under this act, at or before the maturity of said bonds, it shall be the duty of the commissioners of the sinking fund to cause to be transferred to the tax-payers, or their assignees, stock held by said county, city, or town to the amount of the tax paid, upon the delivery to said commissioners of tax receipts by the holders thereof. Such receipts shall be negotiable by indorsement, and no stock shall be transferred for a less amount than one hundred dollars.

Tax-payers stockholders to amount of tax paid.

§ 28. That it shall be the duty of the treasurer of the several boards of commissioners of the sinking fund ap-

Treasurer to issue certificates of stock, when.

1869. pointed under this act, upon the surrender to them, at their respective offices, of receipts given for taxes paid to defray the interest on the bonds of their respective counties, cities, and towns, prior to the time of declaring the first cash dividend by said railroad company, to the amount of one hundred dollars or more, to issue to the holders thereof certificates setting forth the number of shares of stock to which the holder is entitled, and to give a separate receipt for any fractional part of a share, which receipt shall be negotiable by indorsement, and may be added to other like receipts, or tax receipts, to make up a full share. The treasurer shall write or stamp the word "canceled" across the face of each tax receipt taken up by him, and file it away in his office; and he may charge and collect one dollar per share for each certificate issued by him; he shall keep a list of the names of those to whom he issues certificates, with the number of the certificate, and the number of shares for which each was given; and shall, on the last day of each month, make out and forward to the secretary of the company a copy of the list of certificates issued during that month.

Certificates of stock to be issued in certain cases.

§ 29. That it shall be the duty of the said London, Grayson, and Ohio River railroad company, after the first cash dividend shall be declared, on presentation at their office of the stock certificates issued under the provisions of the last preceding section, to issue stock therefor to those to whom such certificates were issued, or their representatives or assigns.

Commissioners to keep record of proceedings.

§ 30. That the commissioners of the sinking fund shall keep an exact record of all their actings and doings as such; and their treasurer shall keep a strict account of all moneys received or paid out by him, and shall settle his accounts annually, or oftener if required, which settlement shall state fully his accounts since his last settlement.

What property taxed.

§ 31. That all the real estate lying in any county, election district, city, or town, issuing bonds under this act, shall be taxed for the purpose of defraying the interest on such bonds, and for the payment of the principal, if that shall be paid by taxation; and when a part only of the land of any tax-payer shall lie in such county, district, city, or town, the assessor of tax shall designate on his books what part lies within such county, district, city, or town, and its value; and only such part shall be assessed for the purposes of this act.

Commissioners to cast vote of county, &c.

§ 32. That the commissioners of the sinking fund, or one of them, shall cast the vote to which their respective counties, districts, cities, and towns may be entitled in any meeting of the stockholders of said London, Grayson, and Ohio River railroad company; that if neither of them shall attend, then any person duly authorized by any two

of said commissioners may cast the vote as proxy for said commissioners.

1869.

§ 33. That the president and directors of said railroad company may, if it shall seem advisable to them, increase the capital stock of said company to a sum equal to the total cost of the road and its equipments, depots, water-stations, &c., &c.

Capital stock may be increased.

§ 34. That said company may acquire a right of way sixty-six (66) feet wide; but this shall not be construed as a limitation on the right to acquire any width that may be shown to be necessary by the affidavit of an engineer, filed with the justice at the time of suing out a warrant for condemning such land.

May acquire right of way.

§ 35. That said London, Grayson, and Ohio River railroad company shall be exempt from taxation until completed; and that it shall never be taxed at a valuation exceeding its actual value.

Tax on road.

§ 36. That the president and directors of said company may, with the assent of the holders of a majority in value of the stock of said company, purchase and hold any other railroad in this or any other State, and may subscribe stock in or guarantee the bonds of any other railroad company to aid in building of any other road, in or out of this State, whenever, in their judgment, it may be to the interest of the London, Grayson, and Ohio River railroad company to do so. They may sell the said London, Grayson, and Ohio River railroad, or lease the same, and may build branches from said road, and branches from such branches.

May purchase other roads, &c.

§ 37. That said London, Grayson, and Ohio River railroad company may receive donations of land, to be used for any of the purposes of said road, or to be sold to raise money to build the same; and may receive subscriptions to be paid in land, at a valuation to be fixed by such means as may be agreed upon between said company or its authorized agents and the subscribers, and may lease or sell and convey any land so given or subscribed.

May receive donations, &c.

§ 38. That said London, Grayson, and Ohio River railroad company may, the holders of a majority in value of all the stock therein concurring, agree on terms for consolidating said company with any other railroad company, on such terms as may be agreed upon; but no such consolidation shall, in anywise, affect the holders of mortgage bonds issued by said London, Grayson, and Ohio River railroad company.

May consolidate with other roads.

§ 39. That the London, Grayson, and Ohio River railroad company may issue and sell the bonds of said company of the denominations of one thousand dollars and five hundred dollars, to be signed by the president and countersigned by the secretary, with the seal of the com-

Company may issue bonds.

1869. pany or corporation affixed, to an amount not exceeding five millions of dollars, bearing not exceeding eight per cent. interest, payable semi-annually, with coupons attached, signed by the secretary of the company, to be made payable as said company may direct, within thirty years from their date.

May mortgage
road to secure
payment of
bonds.

§ 40. To secure the prompt payment of the interest and principal of bonds issued by authority of this act, said company may execute a mortgage or deed of trust conveying said railroad and its property and franchises to a trustee or trustees, and from time to time fill vacancies that may occur for the use, and to secure the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and objects of its execution.

In relation to
foreclosure of
mortgage.

§ 41. That if the mortgage or deed of trust, authorized by the last preceding section, shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions; upon such foreclosure, the president shall make a correct list of all bonds secured by such mortgage or deed of trust which have been sold, and verify it by his affidavit, which affidavit and list shall be filed in the Lewis circuit court, where only such proceedings is authorized to be had. Such foreclosure shall not take place until ninety days after publication of notice of the commencement of proceedings to that end shall have been made in one or more newspapers published in the cities of New York, Cincinnati, and Maysville. The person or corporation becoming the purchaser or lessee of said road, by reason of any sale or leasing to satisfy the demands of bondholders, shall be vested with all the rights, privileges, franchises, and immunities of the corporation.

[Company may
create a sink-
ing fund.

§ 42. That to create and secure a fund for the final redemption of mortgage bonds issued under authority of this act, a sinking fund shall be created by said company; and in order to create such sinking fund, said company shall, at the time of declaring the first cash dividend, ascertain what sum ought to be set aside annually, in order to create a fund sufficient to redeem its bonds at maturity, and then set apart and pass into the sinking fund that sum; and thereafter, annually, there shall be set aside and pass into said fund a like sum, until a fund is created sufficient to pay the outstanding bonds of the company, which fund shall be held sacred for the redemption of said bonds, and shall be used for no other purpose. That the company may loan and reloan the sums thus set apart, at any rate of interest not greater than that paid on its bonds, or may invest the same in any safe and profitable manner deemed advisable, which is not inconsistent

with the purposes and objects of creating said fund: *Provided*, That said company may use any or all of said fund in retiring its bonds before maturity, if deemed advisable; but no bond purchased with the proceeds of the sinking fund shall be resold, but the same shall be canceled.

§ 43. The bonds of the company nor the bonds of counties, parts of counties, cities or towns, issued under authority of this act, whether sold and delivered in this State or elsewhere, shall not be avoided, in whole or in part, by reason of the rate of interest agreed to be paid, or of the place at which they may be sold or delivered, nor by reason of their having been sold at less than their par value.

Bonds not to be avoided.

§ 44. That upon application by said company to the county court of any county into or through which it is proposed to construct said London, Grayson, and Ohio River railroad, such court shall appoint three commissioners, two of whom shall be residents of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material, or anything required for the site or construction of said road, or whenever the land or material required shall be owned by any person not a resident of said county, or who is a *feme covert*, infant, or *non compos mentis*, it shall be the duty of said commissioners to view the land or material required, and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and to make out and return to the office of the clerk of the county court a report in writing, particularly describing the land or material valued, and the interest valued, and the amount of damage assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the county, and whether a *feme covert*, infant, or non-sane person. The clerk shall receive such report, and file the same, indorsing thereon the time of its being filed; and if the owner resides in the county, he shall forthwith issue a summons commanding the owner or owners of such land or material to appear and show cause why the report should not be confirmed, which summons shall be forthwith executed by the sheriff or other officer, in whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at any term of said court, commencing not less than ten days after service of the summons. If the owner is not a resident of the county, the court shall, at its first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the next term; and upon excep-

How right of way, material, &c., may be obtained.

1869. tions being filed by the owner, or by an attorney appointed to defend for him or her, or by the company, the court shall forthwith order a jury to be empaneled to try the question of damages, unless, for good cause shown, time is given for preparation. If no exceptions are filed, the report shall be confirmed. The jury and commissioners shall, in estimating the damages to any proprietor of land or material sought to be condemned for said road, be governed by the same rule as prescribed in section thirteen of an act to incorporate the Elizabethtown and Paducah railroad company, approved March 5th, 1867 (vol. 2, page 258), which section, and the fourteenth section of said act, are hereby re-enacted as part of this act; and the mode of valuation provided for herein shall have the same effect, and confer upon the company all the rights and privileges which would be conferred if the proceeding had been had in accordance with the provisions of the original charter of the Elizabethtown and Paducah railroad company; and whenever a verdict shall be had, the court may give judgment condemning such land or other material for the use of said company, and against the company for the amount of damages assessed, and also to the owner for his costs, if the verdict shall be for more than was assessed by the commissioners.

Payment of
bonds may be
guaranteed.

§ 45. The mayor and council of any city, and the board of directors of any railroad company, may, on behalf of their city or company, guarantee the payment of the principal and interest of the bonds of the said London, Grayson, and Ohio River railroad company.

Object of act.

§ 46. The object of this act is to authorize said London, Grayson, and Ohio River railroad company to construct a railroad from some point on the Louisville and East Tennessee railroad, at or within ten or fifteen miles of London, in Laurel county, Kentucky; thence the most practicable and direct route through the great coal fields and mineral deposits and immense forests of valuable timber of Kentucky, to the Ohio river, at or near Vanceburg, Lewis county, Kentucky; and for that purpose, said company is hereby granted the most ample powers and privileges.

§ 47. This act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2269.

1869.

AN ACT to amend an act to incorporate the Shawneetown and Madisonville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. G. Bowman, Charles Carroll, James B. Turner, D. W. Lusk, O. Poole, and Thomas Ridgeway, of Gallatin county, Illinois; D. H. Hughes, S. D. Dulaney, John S. Geiger, John Lockett, Thomas Conway, and R. A. Spalding, of Union county, Kentucky; and P. D. Clayton, M. C. Doris, M. C. Givens, H. H. Smith, C. W. Cook, A. Edwards, George P. Cosby, Thomas Rawlings, C. C. Hardwick, and Charles G. Nall, of Webster county, Kentucky; and J. B. Earle, John B. Walker, Charles S. Green, R. C. Slaughter, O. Waddill, A. K. Bradley, George W. Noel, and T. J. McEwen, of Hopkins county, Kentucky, be, and they are hereby, appointed commissioners, under the direction of whom, or any three of whom, in each of said counties, subscriptions may be received to the capital stock of the St. Louis, Shawneetown, and Madisonville railroad company, which is hereby incorporated; and they may cause books to be opened, at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the times and places of opening the same as they may deem proper; and if such subscriptions to the capital stock of said company as is necessary to its incorporation shall not have been obtained, said commissioners, or a majority of them, may cause said books to be opened from time to time, and may adjourn to such places as they may deem expedient, until the sum necessary for its incorporation shall be subscribed: *Provided*, That any subscription, tendered at any time or place other than that advertised, may be received by said commissioners, or any one of them; and if accepted by them, or any one of them, shall be as valid and binding against the party subscribing as if received at the time and place advertised; and if any of said commissioners shall die or resign, or refuse to act during the continuance of the duties devolved on them by this act, others may be appointed in his or their stead by the remaining commissioners, or a majority of those acting as such.

Commissioners to receive subscription of stock.

§ 2. That the capital stock of said Shawneetown and Madisonville railroad company shall be one million of dollars, in shares of one hundred dollars each, which may be subscribed by any individual or corporation; and as soon as one thousand shares of said stock shall be subscribed, the subscribers, their successors and assigns, shall be, and they are hereby declared to be, incorporated into a company by the name of the Shawneetown and Madisonville

Capital stock, body corporate and powers.

1869. railroad company; and by this name shall be capable of purchasing, holding, selling, leasing, and conveying real estate, not exceeding five thousand acres, and personal estate, so far as the same may be necessary for the purposes of the corporation, and no further; and shall have perpetual succession; and by said corporate name may sue and be sued, contract and be contracted with; and may have and use a common seal, and alter or renew the same at pleasure; and shall have and enjoy all the privileges which other corporate bodies may lawfully do.

How subscrip-
tions of stock
paid.

§ 3. That there shall be paid, at the time of subscribing for stock in said company, to the commissioner or commissioners receiving such subscription, the sum of five (5) dollars on each share, to be paid in money or in a note or notes negotiable and payable to some one or more of said commissioners, at not more than sixty (60) days, at some bank in this State; and the residue thereof shall be paid in installments, and at such times as may be required by the board of directors of said company: *Provided*, No payment shall be demanded until at least thirty days' notice of such demand shall have been given by said board of directors by publication in some one or more papers published in the counties through which the road passes, nor shall more than fifty per cent. be demanded in any one year; but if the exigencies of the company should require more money than can be demanded of the stockholders as provided herein, it shall be lawful, a majority of all the directors elected concurring therein, to borrow on the credit of said company a sum not exceeding one hundred thousand dollars; and if any subscriber shall fail to pay any installment, or part of an installment, of said subscription, when demanded according to the provisions of this section, the same may be recovered by an action in the name of said corporation against such delinquent subscriber, before any court having jurisdiction of such cases; and in all such actions it shall not be necessary to prove any other demand than the publication provided for in this section; or in case such failure to pay any installment, or part of an installment, of said subscription, demanded according to the provisions of this section, shall continue for the space of sixty days after the time the same is required by such demand to be paid, the board of directors may, in their discretion, order the same to be forfeited to the company; and may, if they think proper, sink it for the benefit of the company; but said board of directors, by a majority of the whole, may remit any such forfeiture, on such terms as they may think proper: *And provided further*. That it shall be lawful to receive subscriptions to the capital stock of said company, payable in contracts well secured, to build such parts of the road, or

to perform such work, or furnish such material as may be accepted by the company. 1869.

§ 4. That, at the expiration of the period for which the books are first opened, if five hundred shares of the capital stock shall have been subscribed, and if not, as soon thereafter as the same shall be subscribed, said commissioners, or a majority of them, shall call a meeting, at such time and place as a majority of them shall designate, giving at least twenty days' notice of the time and place in one or more papers published in Shawneetown, Uniontown, and Madisonville; and at such meeting said commissioners shall lay the subscription books before the subscribers then present; and thereupon said subscribers, or a majority of them then present, shall have power to elect, by ballot, seven directors to manage the affairs of said company; and these seven directors, or a majority of them, shall have power to elect a president of said company, either from among the directors or any other stockholder, and to allow such compensation for his services as they may think proper; and in such elections, and on all other occasions when a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share of stock owned by such voter; and any stockholder may, in writing, depute any other person to act as proxy for it, him, or her; and said commissioners aforesaid, or any three of them, shall be the judges of said first election.

Directors when
to be elected.

President to
be elected.

How stock
voted.

§ 5. That to continue the succession of the president and directors of said company, seven directors shall be chosen annually on the first Saturday in June of each year, at such place as the president and directors may appoint, by the stockholders of said company: *Provided*, That the president and directors may change the time and place of holding elections, upon publishing such change not less than thirty days prior to the elections, in the papers aforesaid; and that the directors of said company, or a majority of them, shall have the power to appoint judges of all elections, and to elect a president of said company, either from among themselves or other stockholders, and to allow him such compensation for his services as they may deem proper; and if any vacancy shall occur by death, resignation, or refusal to act, of any president or director, before the year for which he was elected shall have expired, a person to fill such vacancy shall be appointed by the president and directors, or a majority of them; and that the president and directors of said company shall hold and exercise their offices until a new election of president and directors; and all elections which are by this act or by the by-laws of said company, to be made at a particular time,

Annual elec-
tions. When
held, &c.

1869. if not made at such time, may be made at any time thereafter upon thirty days' notice published in the papers aforesaid.

General meeting of stockholders may be called.

§ 6. That a general meeting of the stockholders of said company may be called any time during the interval between the annual meetings, by the president and directors, or a majority of them, or by the stockholders owning one fourth of all the stock subscribed, upon giving thirty days' notice of the time and place of holding the same, in the newspapers aforesaid; and when any such meeting is called by the stockholders, such notice shall specify the object of the call; and if, at any such called meeting, a majority in value of all the stockholders are not present in person or by proxy, the same shall be adjourned, from day to day, without transacting any business, for any time not exceeding five days; and if, within said five days, stockholders having a majority in value of all the stock subscribed do not attend, in person or by proxy, such meeting shall be dissolved.

Annual report to be made

§ 7. That the president and directors of said company in office for the preceding year shall, at the regular annual meeting of the stockholders, exhibit a clear and distinct account of the affairs of said company; that at any called meeting of the stockholders, a majority in value of the holders of the stock subscribed being present, may demand and require similar statements from the president and directors, whose duty it shall be to furnish such statements when so required; and that at all general meetings of the stockholders, a majority of them in value may remove from office the president, or any or all of the directors, and fill up the vacancies thus made in the same manner they could do at their annual meetings.

President and directors to take oath.

§ 8. That the president and directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment; and the said president and directors, or a majority of them, or a majority in value of the stockholders in said company, at any of the stated or called meetings of said stockholders, shall have power to elect or

Treasurer to be appointed, &c.

appoint a treasurer of said company, and to require and take of him a bond, in such penalty, and with such securities, as they may prescribe, payable to said company, conditioned for the faithful keeping and disbursing of all such money as may come to his hands, and with such other conditions as may be prescribed, upon which bond, recovery may be had for a breach of the conditions thereof, by suit, in the name of the company, in any court having jurisdiction.

§ 9. That if any of the stock authorized by this act shall remain unsubscribed until after the election of president and directors, as provided for in the fourth section of this act, the said president and directors, or a majority of them, shall have power to open the books and receive subscriptions to the stock which shall remain unsubscribed for, or to sell and dispose of the same for the benefit of the company, not under the par value of such stock; and the subscribers or purchasers of such stock shall have all the rights of original subscribers, and be subject to the same regulations and liabilities.

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Books may be reopened.

§ 10. The said president and directors, or a majority of them, may appoint all such officers, agents, or servants, as they may deem expedient for the business of the company, and may remove them at pleasure; that they, or a majority of them, may determine by contract the pay of such officers, agents, or servants, and regulate by by-laws the manner of adjusting all accounts against the company, and the extent of the liability of the company to its employes; that they shall have power to erect warehouses, workshops, and other buildings or edifices necessary or convenient for the use of said company; that they shall have power to direct and regulate in what manner and by what evidence stock in said company may be transferred; and to pass all by-laws they may deem necessary or proper for exercising the powers hereby vested in said company, and for carrying into effect this act, and to alter the same at pleasure: *Provided*, The same shall not be contrary to the Constitution and laws of the United States or of this State.

May appoint other officers, fix their pay, &c.

May erect warehouses, &c.

Transfer stock, pass by-laws, &c.

§ 11. That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall be lawful for the president and directors to increase the same as much as they may deem necessary, not exceeding the sum of two millions of dollars, giving notice as hereinbefore required.

Capital stock may be increased.

§ 12. That the president and directors of said company are hereby vested with all powers and rights necessary to the construction of a railroad from Shawneetown to Madisonville, by way of Dixon and Morganfield, along such route as may be selected by the president and directors; and that they may cause to be made contracts with others for making said road, or any part of it; and that they, their agents, engineers, &c., or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon, use, and excavate any land which may be wanted for the site of said road, or the erection of warehouses or other structures or works necessary and convenient to said road, or for its use, or for any other purpose necessary or useful in the construction or

Powers of company in constructing road.

1869. repair of said road or its works and appurtenances; and they may build bridges and construct tunnels, provided such bridges shall not obstruct navigation on any navigable stream; and may fix scales and weights; take and use timber, earth, gravel, stone, and other material necessary or useful in the construction and repair of said road.

Right of way,
how obtained.

§ 13. That the president and directors, or a majority of them, or their authorized agents, may agree with the owners of any land, earth, stone, timber, or other materials or improvements which may be wanted for the construction or repair of said road or any of their works, for the purchase or the use and occupation of the same; and if they cannot agree, and the owner or owners of any of them be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie or be situated, application may be made to any justice of the peace of said county, who shall, thereupon, issue his warrant, directed to the sheriff or any constable of said county, requiring him to summon twenty discreet men, not related to the owners, nor in any way interested, to meet on the land or near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after issuing the same; and if, at the time and place, any of said jurors do not attend, said sheriff or constable shall forthwith summon as many jurors as may be necessary with the jurors in attendance, and from them each party, or if not present by agent or otherwise, the sheriff or constable for the party absent, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages. Before the jury acts, the sheriff or constable shall administer to them an oath or affirmation that they will justly and impartially fix the damage which the owner or owners will sustain by the use and occupation of said property required by said company; and the jury, in estimating the damages, shall find for the owner or owners the actual value of the land or other thing proposed to be taken, and additional fencing, ditching, &c., made necessary thereby; but in estimating damages resulting incidentally to the other land or other property of such owners, shall offset the advantages to such residue to be derived from the building and operating of said road by, through, or near such residue. The jury shall reduce their verdict to writing, and sign the same; and it shall be returned by the sheriff or constable to the clerk of the county court of his county, and such clerk shall receive and file it in his office; and such verdict shall be confirmed by the county court at its next regular term, if no sufficient reason is shown by either party for setting it aside; and when so confirmed, it shall be recorded by the clerk, at the expense of said company; but

if set aside, the court shall direct another inquisition to be held by the sheriff of the county, in the manner above prescribed; and every inquisition shall describe the property taken, or the bounds of the land condemned, and the duration of interest in the same, valued for the company; and such valuation, when tendered or paid to the owner or owners of said property, or to the sheriff of the county in which said inquest is held, when such owner or owners do not reside in such county, shall entitle said company to the land or interest in the same thus valued, as fully as if it had been conveyed to it by the owner or owners of the same; and the valuation of the same, if not received when tendered, may at any time thereafter within one year, be received from the company, without costs or interest, by the owner or owners, his, their, or its legal representatives: *Provided*, That land condemned for roadway shall not be more than sixty feet, unless said company shall file with the justice at the time of applying for a warrant the affidavit of some one of its engineers, stating that a greater width is necessary, and how much more is required, when the inquisition shall be for the quantity thus stated.

1869.

§ 14. That whenever it shall be necessary for said company to have, use, or occupy any lands, material, or other property, in order to the construction or repairing of said road, or their necessary works or buildings, the president and directors, or their agents, or those contracting with them for constructing or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by a jury formed as hereinbefore prescribed; and it shall not be necessary after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such inquest; and the inquest of the jury, after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property, whether begun before or after such confirmation or payment of said valuation.

May enter
upon lands, &c.

§ 15. That whenever the said Shawneetown and Madisonville railroad company shall request the county court of any county, through or adjacent to which it is proposed to construct said road, to subscribe, either absolutely or upon specified conditions, a specified amount to the capital stock of said company, the county court so requested shall forthwith order an election to be held at the several voting places in said county, on a day to be fixed by the court, not later than sixty (60) days after making such order, and shall appoint judges and other officers necessary to hold said election.

Question of
taking stock
may be submitted
to voters of
counties.

1869.

How vote to
be taken.

§ 16. That it shall be the duty of the sheriff of such county to give notice to the officers appointed to hold said election in the same manner as is now provided by law in regard to other elections; and in case any of the officers appointed shall fail to attend, or refuse to act, others may be appointed in the same manner as at general elections.

Poll-books to
be returned to
county clerk.

§ 17. That the person acting as sheriff at the several precincts shall return to the clerk of the county court, within three (3) days after the day of such election, the poll-books of their respective precincts, and on the third day thereafter the county judge and county clerk shall count the vote; and if it shall appear that the majority of those voting voted in favor of the subscription of stock as proposed, the county judge shall order the vote to be entered on the record, and the subscription to be made by the clerk, on behalf of the county, on the terms specified in the order submitting the question to a vote.

Proceedings in
case precincts
may desire to
take stock.

§ 18. That whenever the said railroad company shall request the county court of any county to do so, it shall be the duty of such court forthwith to submit to the qualified voters of any designated precinct or precincts in said county the question whether the court shall subscribe to the capital stock of said Shawneetown and Madisonville railroad company, on behalf of said designated precinct or precincts, the amount of stock specified in the request of said company, either absolutely or on such conditions as may be proposed by said company. Said election shall be held on a day to be fixed by the court, not less than thirty nor more than sixty days after the order is made, and shall be conducted by officers to be appointed by the court; and the poll-books shall be returned, and the vote shall be counted and entered on the record of the county court, in the same manner as prescribed in section seventeen of this act; and if a majority of all those voting in such designated precinct, or a majority of the aggregate votes cast in such designated precinct or precincts, shall be in favor of making such subscription, the court shall order the clerk forthwith to make the subscription on behalf of the precinct or precincts to which the question was submitted, and in accordance with the terms upon which it was submitted.

If proceedings
in case cities or
towns may de-
sire to take
stock.

§ 19. That whenever the city council of any city, or the board of trustees of any town, into or near to which it is proposed to construct said Shawneetown and Madisonville railroad, shall be requested to do so, it shall be the duty of such city council or town trustees to submit to a vote of the qualified voters of such city or town, on a day to be designated by such council or trustees, not later than sixty (60) days after the application is made to them by said company, the question of subscribing for and on behalf of

such city or town the amount of stock proposed by said company on the terms proposed; and if a majority of those voting shall vote in favor of making such subscription, it shall be the duty of such city council or board of trustees to enter the vote on its records; and the mayor of such city, or president of the board of trustees of such town, shall make the subscription in accordance with the vote.

1869.

§ 20. That if any county, city, or town, shall subscribe to the capital stock of said Shawneetown and Madisonville railroad company, under the provisions of this act, it shall be the duty of the county court of such county, the mayor and council of such city, and the board of trustees of such town, to issue the bonds of such county, city, or town, in denominations of not less than one hundred nor more than one thousand dollars, in payment thereof, with coupons attached, under the seal of such county, city, or town; the bonds of the counties to be signed by the county judge, and countersigned by the clerk, and the coupons to be signed by the clerk alone; the bonds of cities subscribing shall be signed by the mayor, and countersigned by the city clerk or auditor, and the coupons shall be signed by the clerk or auditor alone; the bonds of towns subscribing shall be signed by the president of the board of trustees, and countersigned by the town clerk, and the coupons shall be signed by the clerk alone. Such bonds shall be negotiable and payable to bearer in the city of New York, at not more than thirty (30) years from their date, and shall bear interest at a rate not greater than eight (8) per cent., payable semi-annually in the city of New York.

Bonds of counties, cities, &c., may be issued.

§ 21. That if any election district or districts in any county shall subscribe to the stock of said company under the provisions of this act, it shall be the duty of the county court of such county to issue the bonds of such district or districts in payment thereof, in every respect as if such subscription had been made by the county, except that the bonds shall show on their face the district or districts for which they are issued, and such districts shall be alone bound to pay said bonds and their interest.

Election districts may issue bonds.

§ 22. That in case any county, city, town, or election district shall subscribe to the capital stock of said Shawneetown and Madisonville railroad company, under the provisions of this act, and issue bonds for the payment of such subscription, it shall be the duty of the county court of such county, the city council of such city, and the trustees of such town, to cause to be levied and collected a tax sufficient to pay the semi-annual interest on the bonds issued, and the cost of collecting such tax, and paying the interest on all the real estate and personal property in said county, city, or town, subject to taxation under the

Tax to be levied to pay bonds.

1869. revenue laws of the State, including the amount owned by residents of such county, city, or town, or election district, which ought to be given in under the equalization laws.

Proceedings
in relation to
levying tax.

§ 23. That on levying a tax, as provided for in this act, to pay the interest on bonds issued by the county court of any county, whether for the whole or only a part thereof, or of any city or town, it shall be the duty of the county court, city council, or town trustees making such levy, to appoint three (3) resident tax-payers of such county, or part of a county, city, or town, who shall be styled the board of commissioners of the sinking fund of such county, part of a county, city, or town. The commissioners so appointed shall, before they proceed to discharge their duties, be sworn in the presence of the court, council, or trustees appointing them, faithfully to discharge their duties according to the best of their skill and judgment. They shall hold their office at the pleasure of the court, council, or trustees by whom they are appointed. They shall immediately appoint one of their number treasurer, who shall execute bond, payable to the Commonwealth, with such security as shall be approved by the court, council, or trustees appointing the commissioners, conditioned for the faithful keeping and disbursing of all money coming to his hands as treasurer of such board, on which bond suit may be brought from time to time, by and in the name of such county, or part of a county, city, or town, or by any other person injured by any breach of his bond, in any court having jurisdiction of the sum claimed in such suit. Such treasurer may be required at any time to give a new bond, and any surety in such bond shall be entitled to the same remedies for procuring additional or counter security, as are now given to the sureties of guardians, administrators, &c. Said treasurer shall be allowed for his services such compensation, not exceeding one (1) per cent. on the money received and paid out by him, as may be allowed by the court, council, or trustees appointing such commissioners respectively. In case a vacancy shall occur in said board of commissioners, such vacancy shall be filled by the court, council, or trustees by whom such board was appointed.

Who to col-
lect taxes.

§ 24. That taxes levied under the authority of this act, in any county, or part of a county, shall be collected by the sheriff of such county; and taxes levied in any city or town shall be collected by the officer of such city or town who is, by law, the collector of taxes levied for the ordinary purposes of such city or town; but before any sheriff or other officer shall be authorized to collect any such tax, he shall execute bond, if a sheriff, with such sureties as may be approved by the county court; and if a city or

town officer, with such surety as may be approved by the council or trustees of such city or town, conditioned that such officer will promptly and faithfully collect and pay over to the proper person, within the time prescribed by law, all taxes levied under this act, which may be placed in his hands for collection.

1869.

§ 25. That sheriffs and other officers, having in their hands for collection taxes levied under this act, shall have all the powers of distraining and selling personal property which sheriffs have in the collection of the State revenues; and when such officer shall be unable to find personal property liable to sale for the unpaid tax of any individual, he may levy the same on any real estate of such person situated in the county, and sell the same under the regulations prescribed by law for selling real estate under execution; and all taxes levied under this act shall be a lien on the real estate of the person taxed, which shall lie in the county in which such tax is levied; but the owner of any real estate sold may redeem the same at any time within five (5) years after such sale, by paying the purchase money and ten (10) per cent. per annum thereon, with all taxes of every description paid by the purchaser after his purchase, and ten (10) per cent. per annum thereon.

Powers of collectors.

§ 26. That sheriffs or other officers selling real estate for taxes levied under this act shall give to the purchaser a certificate of his purchase, which shall describe the real estate sold, and state the amount for which it was sold, and the date of sale, which certificate shall be lodged by the purchaser with the clerk of the county court within sixty days, who shall record the same in a book to be kept for the purpose, and for which such clerk shall be entitled to charge a fee of fifty (50) cents; and if such certificate is not recorded as herein provided, the land may be redeemed at any time within fifteen (15) years, on paying the purchase money and six (6) per cent. per annum thereon, and other taxes paid by the purchaser and six (6) per cent. per annum thereon.

Certificate of purchase to be given, &c.

§ 27. That sheriffs and other officers collecting taxes levied under this act shall receive the same compensation as is allowed by law, for the time being, for collecting the State revenue.

Fees of collectors.

§ 28. That one half of the tax levied in any one year shall be collected by the sheriff or other officer in whose hands the same is placed for collection, and paid over to the treasurer of the board of commissioners of the sinking fund within one hundred and twenty (120) days after the same is placed in his hands, and the residue within six (6) months after the first ought to have been paid; and if any sheriff or other officer, whose duty it is to collect taxes

How & when taxes to be collected.

1869. levied under this act, shall fail or refuse to execute bond as required by this act, for thirty (30) days after the tax is levied, he shall forfeit his office, and the court, city council, or board of trustees, levying such tax may appoint a collector, who shall execute bond, with sureties, and have all the powers and be subject to all the duties and liabilities of sheriffs and other officers in collecting taxes under this act.

Penalty for failing to collect & pay over taxes.

§ 29. That if any sheriff or collector, or other officer having in his hands for collection taxes levied under this act, shall fail to collect and pay over the same within the time prescribed, such sheriff, collector, or other officer shall, with his sureties, be liable for the amount not paid as required, and ten (10) per cent. thereon, to be recovered on motion, on ten (10) days' notice, in any court having jurisdiction; and any execution issued on such judgment shall not be repleviable, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken.

Further duties of commissioners of sinking fund.

§ 30. It shall be the duty of the commissioners of the sinking fund to see that the sheriff or other officer collects and pays over taxes placed in their hands according to law, and to institute legal proceeding against them on their failure to do so. They shall appropriate such moneys when collected to the payment of the interest on the bonds of their county, city, or town. They shall, whenever a dividend is declared by said Shawneetown and Madisonville railroad company, cause their treasurer to receive the same, and pay the interest on their bonds out of it; and when a surplus shall remain after paying the interest due, they shall apply such surplus to the purchase of their bonds, if they can be purchased at par or less than par; and if they cannot be purchased at par, they shall invest such surplus in some safe and profitable manner, and in such way that the money may be readily realized when needed to buy or pay off bonds.

Dividends to go into sinking fund.

§ 31. That all dividends which shall be received upon the stock held and owned by any county, part of a county, city, or town, under this act, shall be, and are hereby, set apart to be held sacred as a sinking fund, to be only used as provided in this act, for the payment of the principal and interest of the bonds issued under the authority of this act.

New bonds may be issued if dividends not sufficient to pay interest.

§ 32. That in case the dividends upon the stock held and owned under this act by any county, part of a county, city, or town, and for which bonds shall have been issued, shall not be sufficient to enable such county, city, or town, to pay its bonds at maturity, it shall be the duty of the commissioners of the sinking fund to report such fact to the county court, city council, or town trustees, at least five

(5) years before the maturity of said bonds; and if any county court, city council, or the trustees of any town, owing such bonds, shall deem it proper to do so, they may issue new bonds, having not more than twenty (20) years to run, and payable at such place as may be designated on the face of such bonds, bearing the same interest, and secured in all respects as the bonds first issued are secured, and sell such bonds or exchange them for the old ones: *Provided, however,* That if any county court, city council, or town trustees, shall deem it inexpedient to issue and sell such new bonds, or shall be unable to raise money necessary to pay off its bonds at maturity by a sale of new bonds, it shall be the duty of such county court, city council, or town trustees, to cause a tax to be levied and collected on all the property in such county, city, or town, which, by the provisions of this act, is subject to taxation to pay interest sufficient, when added to any sum raised by sale of new bonds, to discharge the old bonds at maturity: *Provided also,* That any tax levied under the provisions of this section shall be collected by the same officers, under the same powers, and subject to the same responsibilities in every respect, as provided in the act in relation to the collection of taxes levied to pay interest.

§ 33. That in case a direct tax shall be levied to pay all or any part of the bonds of any county, part of a county, city, or town, issued under this act, at or before maturity, it shall be the duty of the commissioners of the sinking fund to cause to be transferred to the tax-payers or their assignees stock held by said county, city, or town, to the amount of the tax paid, upon the delivery to said commissioners of tax receipts by the holders thereof; such receipts shall be negotiable by indorsement, and no stock shall be transferred for a less amount than one hundred dollars (\$100).

§ 34. That it shall be the duty of the treasurers of the several boards of commissioners of the sinking fund appointed under this act, upon the surrender to them at their respective offices of receipts given for taxes paid to defray the interest on the bonds of their respective counties, cities, and towns, prior to the time of declaring the first cash dividend by said railroad company, to the amount of one hundred dollars or more, to issue to the holders thereof certificates setting forth the number of shares of stock to which any holder is entitled, and to give a separate receipt for any fractional part of a share, which receipt shall be negotiable by indorsement, and may be added to other like receipts or tax receipts to make up a full share. The treasurer shall write or stamp the word "canceled" across the face of each tax receipt taken up by him, and file it away in his office; and he may charge and collect

1869.

Certificates
of stock to be
issued to tax-
payers.

Proceedings
in regard to is-
suing certifi-
cates.

1869. one dollar per share for each certificate issued by him. He shall keep a list of the names of those to whom he issues certificates, with the number of the certificate, and the number of shares for which each was given, and shall, on the last day of each month, make out and forward to the secretary of the company a copy of the list of certificates issued during that month.

§ 35. That it shall be the duty of the said Shawneetown and Madisonville railroad company, after the first cash dividend shall be declared, on presentation at his office of the stock certificates issued under the provisions of the last preceding section, to issue stock therefor to those to whom such certificates were issued, or their representatives or assigns.

To keep record
of proceedings.

§ 36. That the commissioners of the sinking fund shall keep an exact record of all their actings and doings as such, and their treasurer shall keep a strict account of all moneys received or paid out by him, and shall settle his accounts annually, or oftener if required, which settlement shall state fully his accounts since his last settlement.

Real estate to
be taxed.

§ 37. That all the real estate lying in any county, election district, city, or town, issuing bonds under this act, shall be taxed for the purpose of defraying the interest on such bonds, and for the payment of the principal, if that shall be paid by taxation; and when a part only of the land of any tax-payer shall lie in such county, district, city, or town, the assessor of tax shall designate on his books what part lies within such county, district, city, or town, and its value, and only such part shall be assessed for the purposes of this act.

Who to cast
vote of coun-
ties, &c.

§ 38. That the commissioners of the sinking fund, or one of them, shall cast the vote to which their respective counties, districts, cities, and towns may be entitled, in any meeting of the stockholders of said Shawneetown and Madisonville railroad company: *Provided*, That if neither of them shall attend, then any person duly authorized by any two of said commissioners, may cast the vote as proxy for said commissioners.

Capital stock
may be increas-
ed.

§ 39. That the president and directors of said Shawneetown and Madisonville railroad company may, if it shall seem advisable to them, increase the capital stock of said company to a sum equal to the total cost of the road and its equipments, depots, water-stations, &c.

Road exempt
from taxation
until complet-
ed.

§ 40. That said Shawneetown and Madisonville railroad company shall be exempt from taxation until completed, and that it shall never be taxed at a valuation beyond the rate at which said roads are now taxed, not exceeding its actual value.

May purchase
other roads.

§ 41. That the president and directors of said company may, with the assent of the holders of a majority in value

of the stock of said company, purchase and hold any other railroad in this or any other State, and may subscribe stock in, or aid in the building of, any other road in or out of this State, whenever, in their judgment, it may be to the interest of the Shawneetown and Madisonville railroad company to do so. They may sell the said Shawneetown and Madisonville railroad, or lease the same, and may build branches from said road, and branches from such branches.

1869.

§ 42. That said Shawneetown and Madisonville railroad company may receive donations of land, to be used for any of the purposes of said road, or to be sold to raise money to build the same, and may receive subscriptions, to be paid in land, at a valuation to be fixed by such means as may be agreed upon between said company or its authorized agents and the subscriber, and may lease or sell and convey any land so given or subscribed.

May receive donations of land, &c.

§ 43. That said Shawneetown and Madisonville railroad company may, the holders of a majority in value of all the stock therein concurring, agree on terms for consolidating said company with any other railroad company, on such terms as may be agreed upon; but no such consolidation shall, in anywise, affect the holders of mortgage bonds issued by said Shawneetown and Madisonville railroad company.

May consolidate with other roads.

§ 44. That the Shawneetown and Madisonville railroad company may issue and sell the bonds of said company of the denomination of one thousand dollars, to be signed by the president and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding two millions of dollars, bearing not exceeding eight per cent. interest, payable semi-annually, with coupons attached, signed by the secretary of the company, to be made payable as said company may direct, within thirty years from their date.

Company may issue bonds.

§ 45. To secure the prompt payment of the interest and principal bonds issued by authority of this act, said company may execute a mortgage or deed of trust, conveying said railroad and its property and franchises to a trustee or trustees, and from time to time fill vacancies that may occur, for the use, and to secure the holders of, such bonds, with such covenants and stipulations as may be necessary to effect the purpose and objects of its execution.

May mortgage road to secure payment of bonds.

§ 46. That if the mortgage or deed of trust, authorized by the last preceding section, shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions. Upon such foreclosure, the president shall make a correct list of all bonds secured by such mortgage or deed of trust which have been sold, and verify it by his affidavit, which affi-

In relation to foreclosure of mortgage.

1869.

davit and list shall be filed in the Hopkins, Webster, or Union circuit court, where only such proceeding is authorized to be had. Such foreclosure shall not take place until ninety days after publication of notice of the commencement of proceeding to that end shall have been made in one or more newspapers published in the cities of New York and Louisville. The person or corporation becoming the purchaser or lessee of said road, by reason of any sale or leasing to satisfy the demands of bond-holders, shall be vested with all the rights, privileges, franchises, and immunities of the corporation.

Company may
create a sink-
ing fund.

§ 47. That to create and secure a fund for the final redemption of mortgage bonds issued under authority of this act, a sinking fund shall be created by said company; and in order to create such sinking fund, said company shall, at the time of declaring the first cash dividend, ascertain what sum ought to be set aside annually, in order to create a fund sufficient to redeem its bonds at maturity, and then set apart and pass into the sinking fund that sum; and thereafter, annually, there shall be set aside and pass into said fund a like sum until a fund is created sufficient to pay the outstanding bonds of the company, which fund shall be used for no other purpose. That the company may loan and reloan the sums thus set apart, at any rate of interest not greater than that paid on its bonds, or may invest the same in any safe and profitable manner deemed advisable which is not inconsistent with the purposes and objects of creating said fund: *Provided*, That said company may use any or all of said fund in retiring its bonds before maturity, if deemed advisable; but no bond purchased with the proceeds of the sinking fund shall be resold, but the same shall be canceled.

May loan out
funds in sink-
ing fund.

Holders of
mortgage bonds
entitled to evi-
dences of stock.

§ 48. The holders of mortgage bonds, issued under authority of this act, may demand, and on such demand shall be entitled to receive, evidences of stock in said Shawneetown and Madisonville railroad company, in lieu of their bonds, at dollar for dollar, at any time within seven years after there is a through run of cars from Shawneetown to Madisonville.

Bonds not to
be avoided.

§ 49. The bonds of the company, nor the bonds of counties, parts of counties, cities, or towns, issued under authority of this act, whether sold and delivered in this State or elsewhere, shall not be avoided in whole or in part by reason of the rate of interest agreed to be paid, or of the place at which they may be sold or delivered, nor by reason of their having been sold at less than their par value.

Proceedings
in case com-
pany and own-
ers of land can-
not agree, &c.

§ 50. That upon application by said company to the county court of any county into or through which it is proposed to construct said Shawneetown and Madisonville railroad, such court shall appoint three (3) commissioners,

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two of whom shall be residents of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material or thing required for the site or construction of said road, or whenever the land or material required shall be owned by any person not a resident of said county, or who is a *feme covert*, infant, or *non compos mentis*, it shall be the duty of said commissioners to view the land or material required, and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and to make out and return to the office of the clerk of the county court a report in writing, particularly describing the land or other material valued, and the interest and duration of the interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the county, and whether a *feme covert*, infant, or non-sane person. The clerk shall receive such report, and file the same, indorsing thereon the time of its being filed; and if the owner resides in the county, he shall forthwith issue a summons commanding the owner or owners of such land to appear and show cause why the report should not be confirmed; which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at any term of said court commencing not less than ten (10) days after service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner, or by an attorney appointed to defend for him, or by the company, the court shall forthwith order a jury to be empaneled to try the question of damages, unless, for good cause shown, time is given for preparation. If no exceptions are filed, the report shall be confirmed. The jury and commissioners shall, in estimating the damages to any proprietor of land or material sought to be condemned for said road, be governed by the same rule as prescribed in section thirteen of this act; and the mode of valuation provided for herein shall have the same effect, and confer upon the company all the rights and privileges which would be conferred if the proceeding had been had in accordance with the provisions of said thirteenth section; and whenever a verdict shall be had, the court may give judgment condemning such land or other material for the use of said company, and against the com-

1869. pany for the amount of damages assessed, and also to the owner for his costs if the verdict shall be for more than was assessed by the commissioners: *Provided*, Not more than two elections shall be held under any of the provisions of this act in any one year in any one county, precinct, or town.

§ 51. This act to take effect from its passage; and all other acts or parts of acts heretofore passed incorporating said road are hereby repealed.

Approved March 16, 1869.

CHAPTER 2270.

AN ACT to amend the Charter of the City of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whenever the owner or owners of the larger part of the front feet of the ground between any certain points fronting and abutting on any of the streets, alleys, market spaces, and other public places within said city, shall petition the city council, in writing, for the improvement of such street, alley, market space, or other public place, or any part thereof between said points, if said street, alley, market space, or public place has not theretofore been improved, or, if having been improved or repaired, said petition shall ask that the same may be rebuilt or improved in some other and different manner, said council shall have full power and authority to order, contract for, and procure the improvement or reimprovement of the street, alley, market space, or other public place, or part thereof embraced in said petition, by grading, curbing, and paving the same with Nicholson pavement, or with any other materials in any other manner, as may be petitioned for as aforesaid, at the cost of the owner or owners of all the lots and parts of lots fronting and abutting on such street, alley, market space, or other public place, or portion thereof so improved; and whenever the track or tracks of any street railroad or other railroad are now, or may hereafter be, laid along or across any of said streets, alleys, market spaces, or other public places, whether said petition so specify or not, said council shall have authority to ordain that such street, alley, market space, or other public place, or portion thereof, embraced in said petition, shall be improved or rebuilt its entire width, from curb to curb, or only such portion of the same as may not be included between the rails of said track or tracks. The cost of said improvement or reimprovements shall include any "royalty," and any culverting, draining, and foot-

crossings adjudged necessary and ordered by said council, whether specified in the ordinance ordering the improvements or by subsequent resolution of said council, during the progress of the work, and also the intersections of all streets, alleys, market spaces, and other public places; but the council may ordain that said intersections shall be made at the general expense of the city; and when any of the improvements authorized by this act shall have been completed and accepted by the council, said council shall assess and levy the cost thereof as a tax upon all the lots and parts of lots fronting and abutting upon the street, alley, market space, or other public place, or part thereof so improved, equally, according to front feet, which tax shall have the same force and effect, and be collected in the same manner as other taxes levied to pay for street improvements and repairs are now collected by law; and a lien is hereby given in favor of said city upon all said lots and parts of lots to secure the payment of the cost of said improvements, &c., which lien shall attach from the time said improvements, &c., are ordered to be made: *Provided*, That said council is hereby given the same power and authority, without any petition from owners of ground fronting and abutting upon that portion of Madison street that lies north of Twelfth street, by a vote of all the members of said council elect and in office, to order, contract for, and procure the improvement, renewal, or repair of said portion of Madison street, or any part thereof, with Nicholson pavement or any other material, in any manner said council may ordain, at the cost and expense of the owner or owners of the ground fronting and abutting thereon, that is given by this act to said council to procure the improvement and reimprovement of other streets, alleys, market spaces, and other public places, when the same shall have been petitioned for. The costs of any such improvement or rebuilding of said portion of Madison street, or any part thereof, shall be estimated, assessed, collected, and be a lien on the adjacent ground in the same manner as the cost of other improvements and rebuildings authorized by this act; and when any person shall contract with said city to furnish the materials and do any of the work authorized by this act, and shall stipulate in the contract that he will collect and receive the tax to be levied, upon the completion of the work, in pursuance of, and in accordance with, this act, in full compensation for said work and materials, and any property-owner upon whose property said tax, or a portion thereof, shall have been levied shall fail or refuse to pay the same, said city shall not be liable to be sued by said contractor, nor to be made a party defendant in any action by said contractor against said property-owner to

1869.

1869. recover the cost of said work, or any part thereof, until said contractor shall have, at his own expense, exhausted all legal and equitable remedies against said property-owner.

§ 2. This act is in addition to the powers now conferred by the charter of said city, and the amendments thereto, and shall not be construed as repealing or in any way affecting the same as now in force.

§ 3. This act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2271.

AN ACT in relation to the Constitutionalist Newspaper.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the "Constitutionalist," a newspaper published in Henry county, be a legally authorized advertising newspaper: *Provided*, It shall be discretionary with the Henry county court to cause advertisements required by law to be made to be inserted in said paper.

§ 2. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2272.

AN ACT to amend the Charter of West Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present corporate boundaries of the town of West Covington, in Kenton county, and the additional territory included in the following boundaries, to-wit: Beginning on the Ohio river at the limit of the western corporation line of the city of Covington; thence with said western corporation line of Covington southwardly, to a point where said line crosses the northern boundary of the county road, leading from the precinct of Lewisburg to the Catholic Cemetery; thence westwardly, with the north line of said county road, to a point due south of the eastern boundary of the town of Ludlow; thence due north to said eastern boundary line of Ludlow; thence northwardly with said eastern boundary line to the Ohio river; thence eastwardly with the Ohio river to the place of beginning, shall hereafter constitute the corporate limits of the town of West Covington; and the inhabitants thereof are hereby created a body-politic and corporate, with perpetual

Boundary of town.

Body-politic and corporate powers.

succession, by the name and style of the town of West Covington; and in that name may contract and be contracted with, sue and be sued; may have a corporate seal, and the same alter or renew at pleasure; and the said corporation shall have all the powers and privileges vested in and incident to town corporations in general; and also concurrent jurisdiction with this Commonwealth over the waters of the Ohio, so far as that river forms the northern boundary of said town.

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§ 2. The said corporation shall have, and is hereby vested with, all the rights, titles, interests, privileges, and powers, which were vested in the original trustees of West Covington, and their successors; but the same shall be held for the purposes, and subject to the trusts, as heretofore, that all the town property shall remain vested in the town; and all property which may be acquired in any manner hereafter by said corporation for public use, shall immediately vest in said town, and the proper authorities thereof shall have exclusive control of the same for the public use.

Vested with same powers as original trustees.

§ 3. The officers of said corporation shall be as follows: Five trustees, who shall constitute one board; five trustees of common schools, to constitute one board; a police judge and marshal, all of whom shall be elected at the charter elections, and as hereinafter provided, by the qualified voters of said town, and each of whom shall have been an actual resident within the corporate limits thereof for at least three months next preceding his election. The officers of said corporation shall consist also of a town clerk, treasurer, collector, assessor, and such other officers and agents as the trustees shall, from time to time, create or establish; and all officers whose offices are created by ordinance, shall be chosen by said board of trustees for such times, and at such compensation, as they may deem best, subject to removal whenever a majority of the whole number of said trustees shall so determine. The trustees shall have power to fill vacancies which may occur in all offices over which they have the power of removal. When vacancies occur in any of the other offices, said trustees shall order an election to fill the vacancy.

Officers to be elected.

Officers to be appointed.

Vacancies, how filled.

§ 4. The charter elections of said town shall be held on the first Saturday in January of each year; and, at the first election after the passage of this act, all the elective officers shall be elected except the police judge and marshal, who shall continue to hold their respective offices for the terms to which they were elected thereto; and said two officers shall be elected on the first Mondays in August, the first for four years, and the second for two years, as heretofore. All free white male citizens of this State, of the age of twenty-one years or upwards, who

When elections held.

Qualifications of voters.

1869. shall have resided in said town for sixty days next preceding a January or August election, shall be permitted to vote at the same. The officers elected at the January elections shall hold their respective offices one year, and until their successors are elected and qualified.

When elections to be held, if not held at regular time, & who to hold same.

§ 5. If, from any cause, any charter election shall not be held as hereinbefore prescribed, the town trustees in office shall order an election to be held as soon as circumstances may admit. Said trustees shall prescribe the places and hours between which all charter elections shall be held; and they shall appoint two or more inspectors to superintend and conduct each of said elections, who shall be qualified voters, act under oath, and make their returns to said trustees, who shall be the exclusive judges of the returns of the inspectors, as well as of the qualifications of all the officers elect; and if, from any cause, the officers returned elected shall not be deemed elected or eligible, or an election should otherwise fail of any particular officer, said trustees may order a new one to fill the vacancy, as provided in section third. All elections shall be determined by a plurality of votes; and all officers elected shall vacate their offices by removal from the town, or three months' continued absence therefrom.

May hold real estate, borrow money, &c.

§ 6. The said corporation shall have power to purchase, hold, sell, and convey real estate, within or without the town limits, for corporate purposes; also personal property; and may receive and hold donations or dedications of money or property to be devoted to public uses; and may also borrow money, and pledge any of its revenues for payment of the interest thereof, and all its property, rights, and credits for the redemption of the loan or loans, and may issue certificates of stock therefor: *Provided*, No common school property of said town shall be loaned, pledged, used, or in anywise disposed of, but for common school purposes: *And provided further*, That the aggregate loans made by said trustees shall at no time exceed ten per cent. of the assessed value of the real estate subject to taxation within said town.

Article Second.

In whom municipal authority vested.

President to be elected. Quorum.

§ 1. The legislative power and authority of said corporation, together with the municipal concerns and affairs thereof, shall be vested in the town trustees, who shall form one board, to be styled the "Trustees of West Covington," who shall, at their first regular meeting, or as soon as practicable, elect from their number a president to serve during their term of office. A majority of all the trustees elect shall constitute a quorum to do business; and in the appointment of officers, passing ordinances, removing officers, appropriating money, making loans, and

levying taxes, a majority of the whole board of trustees shall concur. The board shall hold their regular meetings twice in every month, and at such other times as the president, or, in case of his absence or inability, any three members, may call, and their deliberations shall be public. The president of the board shall be the chief executive officer of the town; and it shall be his duty to preside at their meetings, to take care that their acts and ordinances are duly enforced, and to sign all minutes, bonds, contracts, and conveyances of the said board. In the event of his absence or inability to serve, the board may appoint one of their number president *pro tem.*; and all process against the town is to be executed on the president, or person thus acting in his stead and place.

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Regular meetings.

President to preside.

§ 2. The said trustees shall keep a journal of their proceedings, determine their own rules, and compel the attendance of members. They shall enter into office on the Thursday succeeding the day of their election, and before so doing shall each take an oath to faithfully discharge their duties.

Record of proceedings to be kept, &c.

§ 3. Said trustees shall have power to pass all needful by-laws and ordinances for the due and effectual administration of justice in said town; and may affix such penalties for a violation of the same, not exceeding fifty dollars for each penalty, as they may deem proper; and all ordinances passed by them are to be duly printed and circulated.

May pass by-laws, &c.

§ 4. Said trustees shall have full power and authority to cause and procure all the streets, market-places, alleys, and lanes in said town to be graded, paved, and macadamized, or otherwise improved, at the expense of said town; and they shall have also full power and authority to cause and procure all the sidewalks in said town to be graded, paved, and improved, with such material and in such manner as they may determine, at the expense of said town; and they shall also have full power and authority to keep, and to enforce the keeping of, all streets, sidewalks, and public places in said town in repair.

May have streets, alleys, &c., improved.

§ 5. Said trustees shall prescribe by ordinance the duties of all officers appointed by them; and to require bond and security from them, or any of them, for the faithful performance of their duties. They shall have full power to protect said town from all malignant or contagious diseases; and may, for such times as they shall see fit, appoint a health officer, and define his powers and duties. They shall also have power to organize a fire department for said town, and conduct the same as they shall deem best for the public good. They shall also have power to prevent the erection of such wooden buildings as would

Prescribe duties of officers.

Malignant diseases.

Fire department.

1869. greatly endanger or lessen the value of adjoining buildings.

Town prison.
&c.

§ 6. Said trustees shall have power to erect a town prison, and shall regulate the government thereof; and may establish, in connection therewith, a suitable watch-house, work-house, and house of correction, to be managed by such person or persons as they may appoint; and persons sentenced to confinement by the police judge may be confined in the jail or premises aforesaid; and all fines may be worked out as the trustees shall, by ordinance, determine.

May suppress
tippling-
houses, &c.

§ 7. Said trustees shall have full power to provide by ordinance for the suppression of tippling-houses, and those of ill-fame; also gambling, and such other houses as are the common resort of idle, dissolute, or disorderly persons; to prohibit all retailing of intoxicating drinks without license, and sale of the same on Sunday, by imposing adequate penalties therefor; and to punish, by adequate penalties therefor, all breaches of the peace, injuries to property, public or private, nuisances, obstructions of the streets or other public thoroughfares of said town, carrying of concealed weapons, disturbances of public worship, and indecent and licentious conduct; and they shall also have full power to secure the peace, comfort, and safety of the citizens of said town by adequate legislation whenever the same may be deemed necessary. They shall have exclusive control over all the wharves and landings of said town.

In relation to
taverns & coffee-houses.

§ 8. Said trustees shall have power to tax and license all taverns, coffee-houses, houses of public or private entertainment, victualers, confectioners, and public shows and exhibitions: *Provided*, That all persons so licensed shall pay to the State the taxes required by law; and said trustees may impose adequate penalties on any of the persons in this section named who fail or neglect to take out town license, if required by ordinance so to do.

Article Third.

Police court.

§ 1. The police judge of said town shall hold a court therein, in such place as the trustees may prescribe, to be styled the "Police Judge's Court of West Covington," which court shall have a seal, and is hereby declared a court of record, transcripts from the records of which, signed and sealed by the police judge, shall be evidence, as those from other like courts.

Jurisdiction
of same.

§ 2. Said court shall have exclusive jurisdiction in all cases arising from violations of the ordinances of said town, and concurrent jurisdiction with the circuit [court] in civil cases, where the amount in controversy, exclusive of interest and costs, shall not exceed one hundred dollars; and the same jurisdiction as justices of the peace; and

the power of two justices in holding examining courts, inquiring into charges of felony, and recognizing and committing offenders under such charges. Its jurisdiction shall extend over the territory of said town; and it shall also have jurisdiction in cases of vagrancy; and it may bind out orphan children, and redress their complaints, as also to bind out the children of such parents as are disqualified from taking proper care of them.

1869.

§ 3. The said court may award all such process, original, mesne, and final, as may be deemed proper in the efficient administration of justice within its jurisdiction. All original process shall be directed to, and executed by, the town marshal or one of his deputies; and other process may be directed to said marshal or any sheriff or constable in any part of this State without said town, which officers shall receive and execute said writs, and make returns under the same rules and liabilities they are required to do of like process from the circuit courts.

May award
process, &c.

§ 4. Said court shall have exclusive jurisdiction in all cases where said trustees shall proceed to condemn land or materials for the opening, extending, or widening streets, alleys, or other property for public use; and shall have power to award the writ of *ad quod damnum*, and adjudicate upon the same. Whenever said trustees shall determine to condemn land or materials for the purposes aforesaid, they shall direct a petition in the name of the town to be filed in said court, giving a description of the land or materials to be condemned, for what purpose, and the name of the owner or owners thereof, upon the filing of which the court shall award summons to the proprietors, if living in the town or county, and if in the county, to the sheriff. When the proprietor shall not live in the town or county, notice to his or her agent shall be given, if such there be in the town, or an order of warning shall be made by said court, a copy of which shall be published at least thrice in some paper circulating in the town. Upon process executed, or order of warning duly published, said court shall award a writ of *ad quod damnum* to condemn such land or materials, directed to the marshal, who shall summon a jury on the day fixed in the writ, at which time both the property-owners and said trustees may proceed to prove the damages which the owners may sustain by the condemnation prayed for. The jury shall assess the amount which they shall deem right, and the court shall enter judgment against the town therefor, unless said trustees, in thirty days, notify the court that they have abandoned the proceeding, in which case they shall pay costs. Said proceedings shall be conducted as ordinary trials are by the court, from whose judgment either party may take an appeal to the circuit court,

Jurisdiction
of same in con-
demning lands
for streets, &c.

1869. where they shall be tried *de novo*, and be appealable therefrom like other civil causes.

Court always open.

§ 5. Said court shall be always open for the trial of causes, civil and criminal. It may set causes for any particular day, and make its process returnable as the nature of the case may require, and render judgment when process has been served ten days; and it shall have the same power to summon and empanel juries as is possessed by justices of the peace.

Amount of fines to be assessed, &c.

§ 6. Fines for violation of the town ordinances may be assessed by said court in any sum not exceeding fifty dollars; and for breaches of the peace and other misdemeanors, in any sum not exceeding one hundred dollars, according to the grade of the offense; and all fines assessed by the said court shall be for the use of said town, and also all forfeitures and penalties recovered on recognizances and penal bonds taken in said court.

Appeals may be had.

§ 7. Appeals from said court shall be allowed in all cases where the same jurisdiction is exercised by, and appeals granted from, justices of the peace, to the quarterly court, where the appeal would be thereto, and to the circuit court, where the appeal would be thereto from the justice; and also in all cases over the jurisdiction of a justice of the peace to the circuit or criminal courts, where appeals would lie from an inferior court having jurisdiction as by this charter conferred on said police court.

Fees of judge.

§ 8. Said police judge shall be entitled to collect and receive such fees as are allowed to justices of the peace where he performs the duties of such; such fees as are allowed to judges of the quarterly courts in cases over the jurisdiction of a justice; such fees for copying and authenticating as are allowed to the circuit court clerks; and such fees also as the town trustees may, by ordinance, provide; and he shall have the same power to issue and collect fee bills as circuit court clerks.

May take recognizances, &c.

§ 9. Said police judge shall have power to take recognizances for appearances in his court on any day named therein, in all cases cognizable in said court; and also recognizances in cases of felony, which shall be to the criminal court; also recognizances to keep the peace for one year; and forfeitures of all recognizances may be enforced by said court, and the penalties collected in the same manner as in the circuit and criminal courts. Said police judge shall, at least once in every three months, report to said town trustees a true and full list of all fines, forfeitures, and moneys for the public use received by him, and pay over the same to them; and on his failure to do so, he shall be proceeded against by indictment in the criminal court, as in case of justices of the peace who have failed to report fines, &c., collected.

Article Fourth.

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In relation to
marshal.

§ 1. The marshal of said town, if required by the trustees, shall have a deputy or deputies, not exceeding three in number, to assist him in the performance of his duties; and he and his deputies shall be conservators of the peace in said town. He shall, by himself or deputies, attend all sessions of the trustees and police court. He shall have and exercise all the powers conferred by law on constables within the limits of said town, and shall execute all process in said town of the police judge thereof. He shall give bond for the faithful performance of his duties, as constables are required by law to do. He shall pay over all fines and public moneys collected by him to the town trustees, or as they may by ordinance provide. For neglect or non-performance of duty, or misfeasance in office, he shall be proceeded against in the court of the police judge in the same manner as constables, in like cases, are now proceeded against by law; and he shall, in all cases, be entitled to charge, receive, and collect the same fees as are now or may hereafter be by law allowed to constables; and such fees, salary, and perquisites as the town trustees may by ordinance allow him, and his deputies such as may be allowed to them by ordinance.

Article Fifth.

§ 1. The trustees of said town shall have power to assess and collect a poll-tax on the legal tithables therein, not exceeding fifty cents, and levy and collect an ad valorem tax on all real, personal, and mixed estate within said town, and also all other rights, credits, and choses in action, and whatever else now or hereafter may belong to the inhabitants of said town, not to exceed thirty cents on each one hundred dollars' worth of property, or whatever is or may be taxed.

May levy and
collect taxes.

§ 2. Said trustees shall have power to appoint annually an assessor, who shall be sworn to faithfully perform his duties, and who shall duly make out, as required, assessments of all the taxable property of said town, and lists of the same with the taxation thereon, and lists of the inhabitants of said town, and of those between six and twenty years of age, and of all non-resident property-holders. When the lists of assessment have been returned, said trustees shall refer them to the committee of ways and means, or other appropriate committee, who shall constitute a board of equalization, and who shall have power to equalize the assessments, and assess property which has been omitted by the assessor, and lower or increase his assessments as justice may demand.

Assessor to be
appointed, his
power & duties.

§ 3. Said trustees shall have power to appoint a collector, annually, to collect the taxes assessed by them, who

Collector, his
powers & duties

1869. shall give bond and security for the faithful discharge of his duties, and shall have power to coerce the payment of all taxes assessed by them by distress and sale of personal property, as sheriffs have in collecting the county levy. In case no personal property can be found, he shall advertise and sell the real estate of the delinquent in the same manner that sheriffs are authorized to do in selling real estate under executions, except that there shall be no valuations, and the property shall be sold at the town hall door in said town. Within sixty days after such sales, the collector shall make a full return thereof, specifying the property sold, names of owners, if known, the purchasers, amount of sale, and when sold, together with a copy of his advertisement, to the town clerk, who shall file, record, and preserve the same. The owner shall have the power to redeem the real estate thus sold, at any time within one year, by paying or tendering to the purchaser the amount of his purchase money, and fifty per cent. thereon, and all taxes paid since purchase by him on the property; or, when the purchaser is a non-resident, or cannot be found, such amounts may be paid to the town trustees for his benefit. The collector, or his successors, shall make deeds to the purchasers or their assigns of the real estate thus sold for taxes, which shall pass the title thereto, unless the same is duly redeemed, and shall have the same force and effect as a sheriff's deed under his sales under execution. Said collector may be allowed such fees, charges for advertisements, sales and deeds, and per centage for collections, as the trustees may determine. For securing the payment of taxes to said town, a lien shall exist and is hereby given on all property assessed, real and personal, from the first day in January in each year until payment thereof, which shall not be invalidated or affected by subsequent transfers, encumbrances, or sales. The taxes shall be levied and become due at such times as the town trustees may, by ordinance, prescribe; and for the non-payment of the same by the time they are declared to be due, said trustees may add such per centum, not exceeding fifteen per centum, as they may deem proper, and collect the same in the same manner as the original taxes levied.

§ 4. Said trustees shall have power to appoint annually a town clerk and treasurer, and require from one or both, to be executed to them, bond, with security, conditioned for the faithful performance of their duties; and they shall fully define the powers, duties, and compensation of said officers by ordinance.

Article Sixth.

*In relation to
common schools*

§ 1. The corporation of West Covington is hereby authorized to establish, support, and maintain common

schools sufficient, in which may be taught all the children of said town between the ages prescribed by the common school laws of this Commonwealth, now or hereafter to be in force; and to secure this end, it is hereby enacted and declared that the one sixth portion of all the net revenue received by said corporation from taxes, fines, forfeitures, penalties, and other sources, be, and the same is hereby, dedicated and set apart to be used in aid of common schools in the said town, and for no other purpose.

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§ 2. The board of school trustees of said town shall fix its times and place of meeting, which meetings shall be public; adopt its own rules and by-laws; compel the attendance of members; punish members for disorderly conduct; and, for cause, by a vote of two thirds of all the members elect, expel a member.

Time of meeting of board, &c.

§ 3. A majority of all the members elect of said board shall constitute a quorum; and said board shall, at its first meeting, elect from its number a president, who shall preside at all its meetings, sign all orders, agreements, contracts, and other writings on the part of the board, and take care that its by-laws are faithfully executed. In the absence or inability of the president, the board may choose a president *pro tem*.

Quorum, &c.

§ 4. Said board is hereby empowered to purchase, receive conveyance to, and hold sufficient land, as also to sell the same, and reinvest the proceeds thereof, for common school purposes; to erect suitable common school buildings in said town; to pass all needful rules for the government of the schools; and to employ teachers for the same, at such salaries as the board may determine. It shall be their duty to visit regularly the schools of said town, and attend all the public examinations of the same.

May hold land, &c., for common school purposes.

§ 5. This act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2273.

AN ACT to incorporate the Murray and Aurora Gravel Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby incorporated a gravel road company, by the name and style of the Murray and Aurora Gravel Road Company, for the purpose of building a macadamized or gravel road from the point where the Murray and Pine Bluff gravel road leaves the State road, leading from Hopkinsville to Hickman, Kentucky;

1869. thence to run the most practicable route to Aurora, in Marshall county.

§ 2. The capital stock of said company shall be fifty thousand dollars, with privilege of increasing the same, to be divided into shares of fifty dollars each.

§ 3. The books for the subscription of stock shall be opened by J. E. Miller, W. J. Nowlin, Wm. Gardner, James Vancleave, M. H. Egner, and T. A. Miller, or a majority of them, who are hereby appointed commissioners for that purpose, at such times and places as they or a majority of them may deem proper. They shall insert an obligation in the subscription books as follows: We, whose names are hereunto subscribed, severally promise to pay to the president and directors and company of the Murray and Aurora Gravel Road Company the sum of fifty dollars for each share of stock set opposite our names, in such manner and proportions, and at such times, as shall be by them required under the law incorporating said company, to be collected as other debts. Witness our hands this — day of —, 18—.

§ 4. That said commissioners or board of directors shall have power to receive donations and subscription in land at agreed value, which land they shall have power to hold, sell, lease, or mortgage for the benefit of said road.

§ 5. When the sum of four thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of said commissioners named above to give notice, in such manner as they may think proper, of a meeting of the stockholders of said company, at such time and place as may be specified in said notice, for the purpose of electing a president and five directors; one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year, and until their successors are elected and qualified. The time of all elections after the first election shall be fixed by the president and directors; and a majority of the board shall be competent to do business.

§ 6. So soon as said company is organized by the election of officers, the president and directors shall be a body-politic and corporate, by the name and style of the Murray and Aurora Gravel Road Company; and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding therein capital stock, and increase the profits thereof; and taking and holding, by purchase or gift, all lands, tenements, and hereditaments, real or personal property, as may be necessary for the prosecution of their work or the objects of this corporation. They shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in any court in law or

equity or elsewhere; also to have and use a common seal, and to do all and any act or thing which a corporation may lawfully do, to effect the objects for which this corporation is created.

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§ 7. Said president and directors shall fix and regulate the elevation and grades of said road, not to exceed three degrees; the width shall be the same as now required by law for the State road from Aurora to Murray; the stone or gravel shall not be less than twelve feet wide on said road; shall designate the place of erecting toll-gates; may fix the rates of toll; may regulate and change the same; but said rates shall not exceed those prescribed by the general law. The president and directors shall have power, after two miles and one half of said road shall have been completed, to erect a toll-gate and collect toll, and apply the proceeds thereof to the completion of the road.

§ 8. The president and directors, with their surveyors, engineers, and work hands, are hereby authorized and empowered to enter in and upon the lands and inclosures, public roads and highways, in, through, and over which the intended road may pass, and to examine and survey the grounds most proper for that purpose; and examine quarries and beds of stone or gravel or other material necessary for the construction of said road.

§ 9. It shall be lawful for the president and directors, with their superintendents, engineers, and work-hands, with their instruments, tools, wagons, carts, and beasts of draught or burden, to enter upon the land in and over, contiguous and near which said road shall pass, having first given notice of their intention to owners or occupiers or agents: *Provided*, That if the president and directors shall not agree with the owners of the land through which said road is to pass as to damages which the owners may sustain by the road passing through their lands, the president and directors shall apply to the county court in which said land lies for a writ of *ad quod damnum* to assess the damages which may be sustained by the owners of said land; and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to make said road, to dig and carry away any stone or other material necessary for the construction of said road.

§ 10. The president and directors shall appoint a secretary and treasurer, and such other officers as they may deem necessary, with such compensation for their services as they may deem just, who shall hold their offices for the term of one year, and until their successors be appointed and qualified. The treasurer of said company, before he enters upon the duties of his office, shall give bond in such penalty as the president and directors may require, paya-

1869. ble to themselves, conditioned to pay over any amount in his hands to the order of said president and directors.
- § 11. This act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2274.

AN ACT to incorporate the Boyle Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and is hereby, incorporated as a body politic and corporate, in the county of Boyle, by the name and style of the Boyle Turnpike Road Company, for the purpose of constructing a macadamized or gravel road from the Hays Bridge, on the Perryville and Mitchellsburg turnpike, in an easterly direction, to the Parksville turnpike, about four and one half miles in length.

§ 2. That the capital stock of said company shall be ten thousand dollars, to be divided into shares of twenty five dollars each: *Provided*, That if, after an election of officers as hereinafter to be directed, it shall be believed by a majority of the directors that said road may be constructed for a less sum than ten thousand dollars, and they shall be able to construct said road for a less sum than the capital stock as aforesaid, the sum for which said road shall be constructed as aforesaid shall be the capital stock.

§ 3. That books may be opened for the subscription of said stock immediately after the passage of this act, in the town of Parksville, county of Boyle, under the direction of L. L. Penny, H. M. Mitchell, William Mitchell, George Dugan, B. West, John Severn, W. B. Cecil, and W. Webb, or some one or more of them, all of whom are hereby appointed commissioners for the purpose of obtaining subscriptions to said road; and said commissioners shall procure a book or books which shall contain the following, and shall be signed by every person wishing to take stock in said company: "We, whose names are hereunto subscribed, do severally promise and bind ourselves, respectively, to pay to the president, directors, and company of the Boyle turnpike road company the sum of — dollars for every share of stock set opposite our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company;" and said books may remain open as long as the said commissioners may think proper.

§ 4. That the width of said road may be fixed by the board of directors, but not less than thirty feet in the whole, and the width of metal not less than twelve feet.

§ 5. That said board of directors may erect one toll-gate on said road, or two half gates for the gathering of toll, at any place or places that to said directors may seem best.

§ 6. That so much of an act, entitled "An act to incorporate the Danville and Hustonsville turnpike road company," approved the 1st of March, 1844, as may be applicable, be, and the same is hereby, embraced in, and made part and parcel of, this charter, as though the same were transcribed herein and adopted as a part of this act: *Provided*, That nothing herein contained shall authorize any subscription of stock upon the part of the State.

§ 7. This act shall be in force from its passage.

Approved March 16, 1869.

CHAPTER 2275.

AN ACT to incorporate the Cumberland Lumber and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. S. Faulkinberg, Geo. Holbrook, and Wm. A. Hartwell, their successors and associates, be, and they are hereby, created a body corporate and politic, by the name and style of the "Cumberland Lumber and Manufacturing Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, and generally to do every act and thing necessary and proper to carry out the design and purposes of said company under the provisions of this act, for the term of twenty years.

§ 2. That the capital stock of said company shall be twenty thousand dollars, to be increased by the vote of stockholders of said company to any sum not exceeding one hundred thousand dollars, to be divided into shares of five hundred dollars each; and when fifty per cent. of said stock shall have been subscribed, the stockholders shall meet and elect a board of directors, one of their number president, and also a secretary and treasurer. Officers shall be elected annually. The board shall have power to make and change by-laws for the government of said company, not inconsistent with the Constitution of the United States and the laws of the State of Kentucky.

§ 3. That the stockholders of said company shall be individually liable only for the amount of stock owned by them; and no sale or transfer of stock shall be made until

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1869. it has first been offered for sale to the board of directors of said company, and been by them rejected.

§ 4. That said company shall have power to purchase, hold, and dispose of real estate and personal property, lease lands, buy timber, erect mills, and do all things necessary to promote the interests of said company, namely: That said company may sell timber of all kinds and prepare it for rafting and being converted into lumber, at any point they may deem most expedient; and to this end may erect a boom at or near the mouth of South Fork of Cumberland river, in Pulaski county, and booms at any other part of said stream that may be deemed by said company necessary for the promotion of its interests.

§ 5. That this act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2276.

AN ACT to revive an act, entitled "An act to Charter the Louisville Building Association, of Louisville," approved January 29, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved 29th January, 1867, incorporating the Louisville Building Association, be, and the same is hereby, revived, and shall continue in force without limitation as to time; and the said company may organize and go into operation under said act as fully as if the same had not become inoperative.

§ 2. This act shall be in force from its passage.

Approved March 16, 1869.

CHAPTER 2277.

AN ACT to incorporate the Louisville Re-distilling Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Peter G. Gerhart, John Stegman, John H. Zanone, Fred. K. Walker, and H. G. Dayton, of the city of Louisville, and State of Kentucky, and their associates, be, and they are hereby, created a body-politic and corporate, by the name and style of the Louisville Re-distilling Company, with perpetual succession; and by that name may sue and be sued, plead and be impleaded, in all courts and elsewhere as natural persons; have and use a common seal, which they may change at pleasure; make all necessary by-laws, rules and regulations, for its government, not inconsistent with the Constitution and laws

of the United States or laws of the State of Kentucky; may hold by purchase, lease, or rent real or personal estate necessary or advantageous to the prosecution of their business, and sell or lease the same at pleasure. 1869.

§ 2. The business of said company shall be the re-distilling of high wines and the manufacturing of whiskies and other liquors.

§ 3. The capital stock of said company shall be fifty thousand dollars, divided into shares of one thousand dollars each; but the company may organize and proceed to business as soon as a subscription of eighteen shares at one thousand dollars each shall have been subscribed and paid in. The corporators named in the first section shall fix the time and places for opening books for the subscription of stock. As soon as the sum of eighteen thousand dollars shall have been subscribed and paid in, the corporators may call a meeting of the subscribers, for the purpose of electing from five to nine directors. At such meeting, each share of stock upon which the sum of one thousand dollars shall have been paid shall entitle the holder to one vote; and at all subsequent meetings of the company, each stockholder shall be entitled to one vote for each share of stock held by him, and which has been paid in.

§ 4. The annual meetings of the stockholders shall be on the first Wednesday in May in each year, and in the city of Louisville; but called meetings may be held at any time upon a call signed by a majority of the directors or a majority of the stockholders, which call shall be published in the Louisville papers, giving two weeks' notice of such called meeting; and a majority of the stockholders shall be present thereat, either in person or by proxy.

§ 5. A majority of the directors elected at each annual meeting shall be a quorum to do business. They shall hold their office for one year, and until their successors are elected and qualified, unless sooner removed by the stockholders at a called meeting. They shall have power to elect a president and such subordinate officers as may be required, and fix their compensation and prescribe their duties.

§ 6. The directors of said company shall make semi-annual dividends of its profits.

§ 7. This act to take effect from its passage, and remain in force twenty years thereafter, the Legislature reserving the right to alter, amend, or repeal the same at any time during the above period of time.

Approved March 16, 1869.

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CHAPTER 2278.

AN ACT to charter the Bowling Green, Hartford, and Ohio River Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Commissioners § 1. That E. D. Walker, Q. C. Shanks, John E. Pendleton, John R. Daniel, V. D. D. Stevens, James S. Coleman, and Thomas Bell, of Ohio county; and J. M. Forgy, H. A. Rock, T. C. Carson, B. L. D. Guffy, J. S. Chandler, J. B. Helm, and J. W. Mason, of Butler county; and Henry Potter, H. T. Clark, John Burnam, H. H. Skiles, John L. Row, T. C. Calvert, and J. B. Martin, of Warren county, be, and they are hereby, appointed commissioners, under the direction of whom, or any three of them, in each of said counties, subscriptions may be received to the capital stock of the "Bowling Green, Hartford, and Ohio River Railroad Company," hereby incorporated. And said commissioners may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the times and places of opening the same as they may deem proper; and after the first opening of said books, they may continue them open for such time, and may adjourn to such places as they may deem expedient; and if the subscriptions obtained are less than are necessary to its incorporation, said commissioners, or a majority of them, may cause said books to be opened and kept open from time to time, at such places as may seem expedient, for the space of two years thereafter, or until the sum necessary for the incorporation shall be subscribed: *Provided*, That any subscription tendered at any time or place, other than that advertised by said commissioners, if accepted by them, shall be as valid against the party subscribing, as if received at the time and place advertised; and if any of said commissioners shall die, resign, or refuse to act, another may be appointed in his stead by the remaining commissioners, or a majority of them, of the county for which said commissioner was appointed.

Subscriptions, how received.

Vacancies, how filled.

Capital stock. § 2. That the capital stock of said company shall be two millions of dollars, in shares of one hundred dollars each, which may be subscribed by any individual or corporation; and as soon as two thousand shares of said stock shall be subscribed, the subscribers, their successors and assigns, shall be, and they are hereby declared to be, incorporated into a company, by the name of the Bowling Green, Hartford, and Ohio River Railroad Company;" and by that name shall be capable of purchasing, holding, selling, leasing, and conveying real estate, not exceeding five thousand acres; and personal estate so far as the same

Corporate powers.

may be necessary for the purposes of the corporation, and no further; and shall have perpetual succession; and by said name may sue and be sued, contract and be contracted with; to have and use a common seal, and alter or renew the same at pleasure.

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§ 3. That there shall be paid at the time of subscribing for stock in said company, to the commissioners receiving such subscription, the sum of one dollar on each share, to be paid in money or in a note negotiable and payable to some one of the commissioners, at sixty days, at some bank in this State, and the residue thereof shall be paid in installments, and at such times as may be required by the board of directors of said company: *Provided*, No payment shall be demanded until at least thirty days' notice of such demand shall be given by said board of directors, by publication in a paper published in Louisville and Bowling Green; nor shall more than fifty per cent. be demanded in any one year; but if the exigencies of the company should require more money than can be demanded of the stockholders as provided herein, it shall be lawful, a majority of all the directors elected concurring therein, to borrow on the credit of said company a sum not exceeding five hundred thousand dollars; and if any subscriber shall fail to pay any installment, or part of an installment, of said subscription, when demanded according to the provisions of this section, the same may be recovered by an action in the name of said corporation against any such delinquent subscriber before any court of competent jurisdiction; and in all such actions, it shall not be necessary to prove any demand other than the publication provided for in this section; or, in case such failure to pay any installment, or part of an installment, of said subscription, demanded according to the provisions of this section, shall continue for the space of sixty days after the time the same is required by such demand to be paid, the board of directors may, in their discretion, order the same to be forfeited to the company, and may, if they think proper, sell it for the benefit of the company; but said board of directors, by a majority of the whole, may remit any such forfeiture, on such terms as they may think proper: *And provided further*, That it shall be lawful to receive subscriptions to the capital stock of said company payable in contracts well secured to build such parts of the road, or to perform such work, or to furnish such material, as may be accepted by the company.

Payment of
subscriptions.Forfeiture of
stock.Subscriptions
in material.

§ 4. That at the expiration of the period for which the books are first opened, if two thousand shares of the capital stock shall have been subscribed, and if not, as soon thereafter, as the same shall be subscribed, the said commissioners, or a majority of them, shall call a meeting at

Election of
directors.

1869. such time and place as a majority of them shall designate, giving at least twenty days' notice of the time and place in one or more papers published in Louisville and Bowling Green; and at such meeting said commissioners shall lay the subscriptions before the subscribers then present, and thereupon, said subscribers, or a majority of them present, shall have power to elect, by ballot, seven directors to manage the affairs of the company; and these seven directors, or a majority of them, shall have power to elect a president of said company from among the directors, and to allow such compensation for his services as they may think proper; and on such elections, and all other occasions when a vote of the stockholders is to be taken, each stockholder shall be allowed one vote for every share of stock owned by such voter; and any stockholder may, in writing, depute any other person to act as proxy for him or her; and said commissioners, or any three of them, shall be judges of said first election.

Continued
succession.

§ 5. That to continue the succession of the president and directors of said company, seven directors shall be chosen annually, on the first Monday in June of each year, at such place as the president and directors may appoint, by the stockholders of said company: *Provided*, That the president and directors may change the time of holding elections, upon publishing said change not less than thirty days prior to the election in the papers aforesaid; and that the directors of said company, or a majority of them, shall have power to appoint judges of all elections, and to elect a president of said company from among themselves, and to allow him such compensation for his services as they may deem proper; and if any vacancy shall occur by death, resignation, or refusal to act of any president or director before the year for which he was elected shall have expired, a person to fill such vacancy shall be appointed by the president and directors, or a majority of them; and the president and directors of said company shall hold and exercise their office until a new election of president and directors; and all elections which are by this act or by the by-laws of the company to be made at a particular time, if not made at such time, may be made in thirty days thereafter, upon published notice in the papers aforesaid.

General meet-
ing of stock-
holders.

§ 6. That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings by the president and directors, or a majority of them, or by the stockholders owning one fourth of all the stock subscribed, upon giving thirty days' notice of the time and place of holding the same in the newspapers aforesaid; and when any such meeting is called by the stockholders, such notice shall

specify the object of the call; and if, at any such called meeting, a majority in value of all the stockholders are not present in person or by proxy, the same shall be adjourned from day to day without transacting any business for any time not exceeding five days; and if within said five days stockholders having a majority in value of all the stock subscribed do not attend in person or by proxy, such meeting shall be dissolved.

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§ 7. That the president and directors of said company in office for the preceding year shall, at the regular annual meeting of the stockholders, exhibit a clear and distinct account of the affairs of said company; that any called meeting of the stockholders, a majority in value of the holders of stock being present, may demand and require similar statements from the president and directors, whose duty it shall be to furnish such statements when so required; and that at all general meetings of the stockholders a majority in value of them may remove from office the president or any or all of the directors, and fill up the vacancies thus made in the same manner they could do at their annual meetings.

Affairs of company to be presented to stockholders.

§ 8. That the president and directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment; and the president and directors, or a majority of them, shall have power to elect or appoint a treasurer of said company, and to require and take of him a bond in such penalty, and with such security as they may prescribe, payable to said company, conditioned for the faithful discharge of his duties, upon which bond recovery may be had for a breach of the conditions thereof by suit in the name of the company, in any court having jurisdiction.

Officers to take oath.

§ 9. That if any stock authorized by this act shall remain unsubscribed until after the election of president and directors, as provided for in the fourth section of this act, they, or a majority of them, shall have power to open the books and receive subscriptions to the stock which shall remain unsubscribed, or to sell and dispose of the same for the benefit of the company, not under the par value of such stock, and the subscribers or purchasers shall have all the rights of original subscribers, and be subject to the same regulations and liabilities.

Additional subscriptions.

§ 10. That said president and directors, or a majority of them, may appoint all officers, agents, or servants, as they may deem expedient for the business of the company, and may remove them at pleasure; that they or a majority of them may determine, by contract, the pay of such officers,

Powers of the president and directors.

1869. agents, or servants, and regulate by by-laws the manner of adjusting all accounts against the company, and the extent of the liability of the company to its employes; that they shall have power to erect warehouses, workshops, or other buildings necessary for the use of said company; that they shall have power to direct and regulate in what manner and by what evidence stock in said company may be transferred, and to pass all by-laws they may deem necessary or proper for exercising the powers hereby vested in said company, and for carrying into effect this act, and to alter the same at pleasure: *Provided*, That same shall not be contrary to the Constitution and laws of the United States or of this State.

Full powers.

§ 11. That the president and directors of said company are hereby vested with full power necessary to the construction of a railroad from Bowling Green to the Ohio river, along such route as may be selected by them, passing through or near the towns of Hartford and Morgantown; and that they may cause to be made contracts with others for making said road, or any part of it; and they, their agents, engineers, &c., or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon, use, and excavate any land which may be wanted for the site of said road, or the erection of warehouses or other structures necessary and convenient to said road, or for its use, or for any other purpose necessary or useful in the construction or repair of said road or its works and appurtenances; and they may build bridges and construct tunnels, provided such bridges shall not obstruct navigation on any navigable streams; and may fix scales and weights, take and use timber, earth, gravel, stone, and other material necessary or useful in the construction or repair of said road or its works, and construct all works necessary to the completion of said road; and when any parties owning land or material for use of said road shall be incompetent or unwilling to convey or contract with said president and directors of said company the lands or material necessary for the use and construction of said road, then, and in that event, said president and directors may apply to the county judge of the county in which the land or material lies for a writ of *ad quod damnum*, and the same proceeding had thereon as is now provided for by law.

§ 12. That any county or counties through which this road shall pass shall have the right to issue their bonds to subscribe or pay for stock in said road; a majority of all the justices of said county concurring therein respectively, are hereby authorized to subscribe for and on behalf of said counties as many shares in the capital stock of said road company as to them may seem expedient, and to

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levy the sum so subscribed on the taxable property of said counties: *Provided*, That before said county court shall make such subscriptions and levy, the proposition in detail shall be submitted by said county courts to the voters of their respective counties at some general election, and the same shall receive a majority of all the votes cast; and the county courts of the counties that may subscribe for stock in said railroad, are hereby authorized to levy a tax upon the tax-payers of their respective counties, taxable under the revenue laws of this State, a sum sufficient to pay the interest on said bonds, and the cost of collecting the same as the same matures; and at maturity of said bonds a tax in like manner that will pay the principal of said bonds; and the tax-payers of any of said counties paying tax to said railroad under the provisions of this act, shall be entitled to stock in said road to the amount of the taxes paid towards the principal and interest of said bonds, which shall be issued to them by said railroad upon the presentation of their receipts in even shares; and the county courts of said counties shall have power to enforce the collection of said railroad taxes as other taxes; and appoint collectors, or require the sheriffs to collect the tax, and take such bond from them as they may require.

§ 13. That the county courts of any of the counties named in the preceding section are authorized to issue the bonds of their respective counties in such amounts as the court may direct, payable to the bearer at any rate of interest not exceeding seven per cent. per annum, payable semi-annually in the cities of Louisville, Hartford, or Bowling Green, and to deliver all such to said railroad company in payment at par for stock in said railroad company.

§ 14. That the said company, by such agents as they may appoint, shall be entitled to charge and receive, or in their corporate capacity to collect, for tolls and the transportation of passengers, goods, produce, merchandise, and property of any kind whatsoever, transported over their road, the same rates and prices of fare and freights which the Louisville and Lexington railroad company are now entitled by law to charge; and such right to charge and collect shall vest in said company as soon as ten miles of said road shall be completed.

§ 15. Should the counties, or any one of them through which said road may pass, not subscribe for stock in the same as authorized in section twelve of this charter, before said company shall have been organized, then, and in that event, the president of said road shall notify the county judge of such county or counties that he desires stock taken by the county or counties in said road, and

1869. the county judge or judges of said counties shall call an election of the voters of his or their counties respectively to be held in thirty days at the respective voting places in said county, and so direct the sheriff to give at least twenty days' notice of said election at the several voting precincts in such county, and said notice shall state the amount of stock which is contemplated to be taken by said county. The sheriff shall proceed to hold said election and make return of the poll-books to the respective county court clerk's offices as required by law in county elections, and the poll-books shall be compared in the same manner and by the same officers as the poll-books for the county elections; and if, upon comparison of said poll-books, it shall be ascertained that a majority of all those voting, having voted in favor of subscribing said stock, then the said county, by its county court, may issue its bonds for said amount so voted, and the interest and principal to be paid as provided for in section twelve.

§ 16. That the president and directors of said company shall, annually or semi-annually, as they may deem proper, declare and make such dividend as they may deem proper, of the net profits arising from the resources of said company after deducting the necessary contingent and probable contingent expenses, and they shall divide the same among the stockholders of said company in proportion to their respective shares.

§ 17. That should said road be sold by proceedings on mortgages or deeds of trust for debts or other legal process than upon mortgages or by contract, the purchaser or purchasers shall be entitled to all the rights and privileges of this act of incorporation, and any amendments which may have been made thereto, and be subject to all the obligations, liabilities, and restrictions of the same: *Provided*, That no tax shall be levied upon the tax-payers of Butler county, except a majority of all the voters therein vote in favor thereof.

§ 18. This act to take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2280.

AN ACT for the benefit of the Counties of Magoffin and Greenup.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the counties of Magoffin and Greenup are hereby released for the space of five years from the passage of this act from the provisions of an act, entitled "An act to require the county courts to have one or more fire-

proof vaults in their respective counties erected for the safe-keeping of the public records of their respective counties," approved February 11th, 1867.

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§ 2. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2261.

AN ACT to provide for increasing the County Levy of Webster County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the levy court of Webster county, at its October term for 1870, may levy a poll tax of one dollar and an ad valorem tax of ten cents on the hundred dollars' worth of property, in addition to the levy now authorized by law, to enable said court to build the bridges which may be needed in said county.

§ 2. That at the October term for 1869, said court may order bridges to be built, and pledge said fund for the cost of the building of such as may be ordered.

§ 3. The setting apart this fund shall not prevent the levy court from applying any of the ordinary county funds to the building of bridges.

§ 4. The sheriff shall collect and account for the same under the obligations now imposed by law for ordinary purposes.

§ 5. That this act shall be in force from and after its passage.

Approved March 16, 1869.

CHAPTER 2282.

AN ACT for the benefit of A. C. Cox, late Sheriff of Green County.

WHEREAS, Judgment was rendered against A. C. Cox, late sheriff of Green county, and his securities on his bond, for the collection of the revenue of said county for the year 1867, by the Franklin circuit court, and for damages and cost; and whereas, said A. C. Cox has paid and satisfied said judgment, with the exception of the damages; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said A. C. Cox shall be, and he is hereby, released, as well as also his sureties, from all the damages aforesaid, being four hundred and one dollars and eighty-three cents.

§ 2. This act to take effect from its passage.

Approved March 16, 1869.

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CHAPTER 2283.

AN ACT to incorporate the Forsythe Mill Turnpike.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and the same is hereby, created, in the name and style of "The Forsythe Mill Turnpike," which shall be a body-politic and corporate, for the purpose of constructing a macadamized turnpike road from a point on the Frankfort turnpike, where the old Forsythe mill dirt road now leaves said pike, in Mercer county, and thence, following as near as practicable the meanderings of said road, to Andrew Forsythe's saw-mill on Salt river, and thence west to the county line, on a route and to a point to be selected by the stockholders of said company.

§ 2. That the capital stock of said company shall not exceed fifty thousand dollars; but said company may commence work when they have two thousand dollars subscribed. Said capital stock shall be divided into shares of fifty dollars each.

§ 3. Books shall be opened at convenient places for the subscription of stock in said company, under the direction of the following commissioners, or such of them as may act: Abraham M. Vanarsdall, John W. Finnell, Vance Wilson, Andrew Forsythe, Thomas Paxton, Preston Burrus, Nathaniel Burrus, and Edmund Burrus, any one of whom may procure a book or books in which the subscribers of stock to said company shall enter into the following obligation: "We, whose names are hereto subscribed, do respectively promise to pay to the 'Forsythe Mill Turnpike,' the sum of fifty dollars for each share of stock in said company set opposite our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company."

§ 4. That said company shall be invested with all the rights, authority, and privileges conferred upon the "Augusta and Minerva Turnpike Road Company," by an act of the Legislature approved January 25th, 1868, and the provisions of said charter and act are made a part of this charter and applicable to this company, which are not inconsistent herewith: *Provided, however*, Said company may build their road not less than twelve feet in width.

§ 5. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2284.

1869.

AN ACT to amend the law authorizing the recording of deeds and mortgages in the County Court Clerk's Office at the City of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the county court of Campbell county, so soon as practicable, to cause to be run by the county surveyor, and established by metes and bounds, a line from a point on the Ohio river, at right angles across the said county, to the Licking river, passing by the immediate intersection of the Campbell and the old State road and Ripple Creek turnpike roads; and hereafter all deeds and mortgages of real estate or other property lying or being in said county entirely, or mostly on the northern side of said line, shall be recorded in the county court clerk's office, kept in the city of Newport, and the records of all such deeds or mortgages heretofore made at said office shall be valid.

§ 2. Plats of the said line, with the certificate of the surveyor, shall be returned to the said county court, and forthwith recorded in the deed books of each of the county court clerk's offices of said county.

§ 3. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2285.

AN ACT to amend an act for the benefit of the Jephtha Christian Church, in Shelby County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Dr. Ben. Jesse be, and he is hereby, appointed a trustee of said church in place of Daniel Brumly, resigned, to have all the rights, powers, and privileges heretofore conferred on said Brumly as trustee of said church.

§ 2. This act to take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2286.

AN ACT to amend the Charter of the Louisville and Salt River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the stockholders of the Louisville and Salt River turnpike road company shall be convened, after ten days' notice, for the purpose of electing a board of five

1869. directors, within thirty days after the stock of the State of Kentucky in the company shall have been sold, the notice of such election to be given by the president of said company; and the directors so elected shall hold their offices until the regular term for holding such elections in 1870, when the election for their successors shall take place, and afterwards elections shall be held as is now provided in the charter of said company.

§ 2. The board of directors of the said company shall have power to borrow such sum or sums of money, not exceeding fifty thousand dollars in the aggregate, as they shall deem to be necessary to make and keep in repair a turnpike or gravel road from the city of Louisville to the mouth of Salt River, upon such time as they may deem best; and to secure same, they may mortgage their road and all its franchises, which mortgage may be foreclosed in the Louisville chancery court, in the same manner and with the same effect as in cases of other mortgages: *Provided*, That they shall have no power to contract to pay more than eight per cent. per annum for money they may so borrow.

§ 3. That it shall be the duty of the company aforesaid to rebuild and put in thorough order their road aforesaid within three years from the first day of October, 1869: *Provided*, That in the meantime, said company may put the road in such repair as to enable it to close its gates and collect tolls whilst the work in the first clause of this section required is being done and performed.

§ 4. That the said company shall, through its board of directors, have the right and power to take and subscribe any amount of stock, not exceeding twenty thousand dollars in the aggregate, in a bridge over Salt river, to be erected at or near its mouth.

§ 5. That the stockholders shall, at the first election to be held as provided in section one hereof, vote upon this amendment; and if a majority of the stock shall be voted for this amendment, then the same shall be deemed and held a part of the charter of said company; but if a majority of the stock shall be voted against this amendment, then the same shall be of no effect whatever.

§ 6. That the company shall not charge a higher rate of toll on this road than the rates allowed now by law; nor shall not be allowed to make more than six per cent. on the capital stock in said road.

§ 7. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2287.

1869.

AN ACT to amend the Charter of the Crooksville and Muddy Creek Turnpike Road Company, in Madison County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Crooksville and Muddy Creek turnpike road company be, and the same is hereby, so amended as to allow the company or corporators of said Crooksville and Muddy Creek turnpike road company to begin said road at a point at or near Kingston, on the Richmond and Big Hill turnpike road, and to run by or near Crooksville, down Muddy creek, to a point at or near John Bates' apple orchard.

§ 2. That T. J. Maupin, James Maupin, and Socrates Maupin, be, and they are hereby, added to the corporators named in the charter of the Crooksville and Muddy Creek turnpike road company, to which this is an amendment; and that said company or corporators may commence at either end, and may run as far as they may have means, or as to them may be deemed prudent.

§ 3. This act to be in effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2289.

AN ACT to re-enact and amend an act, entitled "An act to incorporate the Hancock Pond Draining Company, and amend the Charter of the Jefferson Pond Draining Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Hancock Pond Draining Company, and amend the charter of the Jefferson Pond Draining Company," approved March 4, 1850, is hereby re-enacted, and amend section one by substituting for the names therein the names of the following: Jas. Mason, James Robb, John W. Beauchamp, Anthony Crockett, Benjamin Morgan, John T. Pate, and William Smith.

§ 2. All that part of section three before the word "and," after the word directors, in the fourth line, is hereby repealed, and the following substituted: That for the year 1869, and each year thereafter, if the president and directors deem it necessary, there shall be collected on each acre of land within the above boundary from five to twenty-five cents, to be determined by assessors, to be elected as hereinafter provided. In section four, for the words "which will be reclaimed on," substitute the words "contained in."

1869.

§ 3. That all of section five, before the word "which," after the word draining, in the fourteenth (14) line, is repealed, and the following substituted: "That at the same time and place the company elect their president and directors, they shall elect three assessors (not resident or owning lands in said boundary, but citizens of Hancock county), whose duty it shall be, when called upon by the president and directors, to make an assessment of the amount to be paid per acre for draining, which shall be in proportion to the benefit derived from such draining, allowing twenty-five cents to be the maximum, and five cents per acre the minimum for benefit thus derived: *Provided*, No tax shall be levied upon lands in said boundary deriving no benefit from said drainage, and make a report thereof to the president and directors." In section ten (10), for 1850 substitute 1869.

§ 4. That all acts or parts of acts in conflict with this act is hereby repealed.

§ 5. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2290.

AN ACT to incorporate the Salvisa and McCown's Ferry Turnpike Road Company, in the County of Mercer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby formed a corporation, under the name of "The Salvisa and McCown's Ferry turnpike road company," with power to construct a turnpike road from Salvisa to McCown's Ferry. Captain Samuel Demaree, Maston Nichols, Solomon Short, Samuel McCown, and Charles Forsten, sr., or any two of them as commissioners, may open books at any time and place, and receive subscriptions to the capital stock thereof, until enough has been subscribed to complete said road on any route the president and directors thereof may determine. The shares of stock shall be fifty dollars, and each shall entitle the holder thereof at all elections to cast, in person or by proxy, one vote for each share held by him. When twenty-five hundred dollars of said stock has been subscribed, the commissioners acting shall, by written notice posted in Salvisa and three other conspicuous places, call a meeting of the stockholders at a time and place therein fixed, to elect five directors to manage the affairs of the company, who shall continue in office one year, and until their successors are elected and qualified.

§ 2. Said directors shall organize by electing one of their number president, who shall hold office until the succeeding election. They may elect and remove at pleasure a treasurer, secretary, and such other officers as may be necessary, and take bond for the faithful performance of their duties; they shall appoint the time for the annual election of directors, the first being within one year; they may make all necessary by-laws, locate and fix the grade and width of their road, and contract for the making the same; and in the name aforesaid may contract and be contracted with, sue and be sued.

1869.

§ 3. On the completion of said road, said president, &c. may erect a toll-house and charge toll in proportion to the distance traveled, as by its charter the Versailles and McCown's Ferry turnpike road is permitted to charge; and said charter and amendments thereto are made applicable to the company hereby formed as fully as if set forth at large herein, except as herein otherwise provided.

§ 4. Said president, &c., may locate said road over any public highway, and when not so located may condemn and acquire the right of way, materials, &c., for the construction of the road, and land for the toll-houses, as provided in the Revised Statutes, title "Turnpike and Plank Roads."

§ 5. The county court of Mercer county may subscribe to the capital stock of said company, as by law it is permitted to subscribe to the stock of other turnpike roads.

§ 6. This act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2291.

AN ACT to authorize the establishment of a Ferry across the Kentucky River above Cedar Dam, in Owen County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for G. W. Craddock to establish a ferry across the Kentucky river, from his landing above the dam at Cedar creek, in Owen county, to the opposite shore of said river, in Henry county; and he is hereby authorized to construct roads, wharves, and other improvements necessary to make access to and from said ferry on either side of said river safe and convenient to all persons and property passing over the same.

§ 2. That before said ferry shall go into operation, it shall be the duty of said Craddock to enter into bond before the county court of Owen county, as now required by law in such case.

§ 3. This act to take effect from its passage.

Approved March 16, 1869.

1869.

CHAPTER 2292.

AN ACT to incorporate the United Fellows of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. M. Johnson, W. M. Lawson, Daniel Clemons, J. Tevis, James Kemp, Jacob Watson, Martin Ramsay, Peter Metcalf, Burrill Johnson, Daniel Henry, and Peter Preston, persons of African descent, and their successors in office, and all others of African descent who may associate with them as members of the United Fellows of the city of Louisville for the purpose of affording relief and assistance to its members in cases of sickness, death, or disability to work, are hereby created a body-politic and corporate, under the above name and style, with power in that name to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places whatever, as a natural person; to have and use a common seal, and to change and renew the same at pleasure; and to have perpetual succession in their corporate capacity.

§ 2. Said association may purchase and hold real estate and personal property such as may be proper for its use; and, further, may take and hold such estate by gift and by devise, and on their property may erect all necessary buildings or improvements, and if desirable, may sell their property in such manner as may be provided by their by-laws.

§ 3. Said association shall have power to carry out the object of its creation; to determine the mode of dispensing its charities; to regulate the qualifications of membership; make and execute all necessary and wholesome regulations; regulate the fees to be paid for membership, and the dues to be paid by members; and shall have power to make and ordain such constitution, by-laws, and regulations, not inconsistent with the Constitution or laws of the United States or of the State of Kentucky, as they may deem expedient for the management of the business and property and the welfare of the association, and carrying into effect the purposes of its organization.

§ 4. The affairs of the association shall be under the direction of such officers and agents as may be prescribed in the constitution or by-laws; and the treasurer and other officers or agents may be required to execute such bonds as may be deemed requisite by the association for the safety of their funds, and to secure a faithful discharge of their duties.

§ 5. The Legislature reserves the right to amend or repeal this act at pleasure; and this act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2293.

1869.

AN ACT to incorporate a turnpike road from Durham's School-house to Parksville, in Boyle County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be incorporated to build a turnpike road from Durham's school-house to a point on the turnpike road from Danville to Lebanon.

§ 2. That books may be opened for the subscription of stock at Colwell's church, in Boyle county, under the direction of William Irvin, Robert Irvin, Frank Lee, David Knox, and Logan Colwell, all of whom are hereby appointed commissioners for the purpose of obtaining subscriptions to said road.

§ 3. Said company may hold a meeting to elect directors, who shall have all the rights and privileges of the Danville and Lebanon turnpike road company, or the Danville and Perryville turnpike road company.

§ 4. This act to take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2294.

AN ACT concerning the Barren County Railroad.

WHEREAS, Judgment was rendered by the Barren circuit court at its September term, 1868, in favor of certain creditors of the Barren County railroad company against said company, by which it was directed that said road and the corporate franchises and privileges of said company should be sold, with a view to the payment of the debts of said company; and at the December term of the Barren county court, said road, and the corporate franchises and privileges of said company, was sold under said judgment; but the sale has not yet been confirmed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever said sale, or any other sale that shall be made of said road, and the corporate franchises and privileges of said railroad company, under said judgment, or any other judgment that may be rendered in said cause, is or shall be confirmed by judgment of said court, no appeal or writ of error shall be allowed therefrom to the Court of Appeals or any other tribunal, unless the same is taken and prosecuted in good faith by one or other of the parties plaintiff or defendant, and filing a certified copy of the records and papers in the case with the Clerk of the Court of Appeals within one year after the judgment of confirmation; and unless such appeal shall

1869. be so taken, prosecuted, and said copy filed as aforesaid, within the said one year from and after the day of rendering the judgment confirming such sale, the same shall stand and be final.

§ 2. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2295.

AN ACT to amend an act, entitled "An act to incorporate the Evansville, Henderson, and Nashville Railroad Company," approved January 27th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the payment of all taxes which have been heretofore levied or assessed, or which may be hereafter levied or assessed, under and by virtue of the nineteenth section of the act, entitled "An act to incorporate the Evansville, Henderson, and Nashville railroad company," approved January 27th, 1867, shall be enforced by the sheriff or tax collector, in the same manner that the collection of money due upon execution is now enforced by law; and it is hereby made the duty of the sheriff or tax collector now having or hereafter having in his hands any tax bill or order which has remained unpaid, in whole or in part, for a period of thirty days, to levy the same upon personal property of the delinquent, if personal property subject to execution can be found; and if not, then upon real property; and he shall, immediately after such levy, advertise and sell the same.

§ 2. The Evansville, Henderson, and Nashville railroad company are authorized to cancel, annul, and set aside the existing first mortgage on their road, and execute another first mortgage in lieu thereof, and take up and pay off any bonds issued under the existing mortgage, and may mortgage or convey in trust their railroad rails, road-bed, right of way, depot and station-houses, and lands and rolling stock, they now own or may hereafter acquire, with all their property of any kind, and all their rights and franchises: *Provided, however,* That this shall only be done on the consent and approval of a majority of the board of directors, and of a majority in interest of the stockholders of said company.

§ 3. The Evansville, Henderson, and Nashville railroad company, with the consent of a majority of the directors, and of a majority in interest of the stockholders to raise means to aid in construction and equipment of their road, are authorized to make a second mortgage, and convey in trust, or mortgage their railroad and its properties and

franchises, embraced in their first mortgage, for an amount not to exceed one million of dollars, and issue their second mortgage bonds in sums not less than one hundred dollars and not exceeding one thousand dollars; and said deed of trust and mortgage shall be recorded in the several counties through which the railroad passes.

1869.

§ 4. That this act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2296.

AN ACT for the benefit of C. A. Wandelohr, of Pendleton County.

WHEREAS, The county court of Pendleton county, Kentucky, deeming it for the best interest of the estate of John E. Records, who died in said county intestate and an unmarried man, and it also being the desire and special request of Thomas E. Records, a brother, and only near male relative of decedent, has appointed and qualified C. A. Wandelohr, present master commissioner of the Pendleton circuit court, as administrator of said decedent's estate; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the appointment of said C. A. Wandelohr as administrator of the estate of John E. Records, deceased, by the county court aforesaid, be now legalized, and that said Wandelohr be clothed with the same rights and power as administrator, as though he was not debarred by law from acting as such by virtue of his office of master commissioner aforesaid.

§ 2. This act to take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2297.

AN ACT to punish certain Misdemeanors in Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter, any person or persons who shall assault or beat any other person or persons who may be at the time engaged in the transportation of cattle, hogs, sheep, or other stock from the city of Covington to the city of Cincinnati shall, if such assault or battery be made with intent to hinder or prevent the person assaulted or

1869. beaten from continuing the pursuit of such business, be guilty of a misdemeanor, and, upon trial and conviction, shall be confined in the county jail for a period of not less than three nor more than six months.

§ 2. That hereafter, any person or persons who shall attempt, by threats or intimidation, to hinder or prevent others from engaging or continuing in the business of transporting stock as aforesaid, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than twenty-five nor more than one hundred dollars.

§ 3. That it shall be the duty of all city marshals and their deputies, and all day and night policemen, sheriffs, and constables, to apprehend all persons guilty of a violation of this act, and commit them to jail for trial, as hereinbefore provided.

§ 4. That this act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2298.

AN ACT to amend the law in relation to importing Texas Cattle into this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to prohibit the importation of Texas cattle into this Commonwealth," approved February 28, 1867, as excepts Wabash Island from the operation of said act, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2299.

AN ACT to amend the charter of the Town of Cynthiana.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Cynthiana be, and they are hereby, authorized and empowered to contract with the several turnpike companies whose roads lead into said town, for a surrender to the said town of such parts of said roads as may be located within the limits thereof; and when such surrender is made, the said trustees shall have the same power and control over said roads,

in every respect, as they now have over the public streets and alleys.

1869.

§ 2. That this act shall take effect from and after its passage.

Approved March 16, 1869.

CHAPTER 2300.

AN ACT for the benefit of C. M. Humston, of Henry County.

WHEREAS, It satisfactorily appears that C. M. Humston, late a sheriff of Henry county, has been erroneously charged with the sum of twenty-three dollars and thirty-one cents, in his settlement with the Auditor, which amount has been paid by him into the State Treasury through mistake; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be directed to draw his warrant on the Treasury for the said sum of twenty-three dollars and thirty-one cents, in favor of the said C. M. Humston.

§ 2. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2301.

AN ACT to amend an act, entitled "An act to amend the Charter of the Town of Eminence, in Henry County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the power of the trustees of the town of Eminence to license and tax all taverns, groceries, coffee-houses, restaurants, nine or ten-pin alleys, or bowling saloons, and to discontinue said licenses at pleasure, be, and the same is hereby, extended to all such taverns, groceries, coffee-houses, restaurants, nine or ten-pin alleys, and bowling saloons, established at any point within one half mile of the corporate limits of said town.

§ 2. That said trustees be, and they are hereby, authorized and empowered to erect a station-house in the said town for the purpose of confining persons guilty of violations of the ordinances of said town, or of the criminal or penal laws of the Commonwealth, when committed in conformity of law.

§ 3. That the police judge of the town of Eminence shall have full power and authority to hear and adjudicate as a court, at any time, except on the Sabbath day, any

1869. and all warrants or prosecutions of every nature, executed and set for trial before him for any infraction of the ordinances of said town, or for any violation of the penal laws of this State, of which he has jurisdiction; and as to the trial of civil causes by him, he shall hold a court as justices of the peace are required to do, once every three months. He may fix the time himself of holding his court: *Provided, however,* It shall be in the same months in which justices hold their courts in said county of Henry.

§ 4. This act to take effect from its passage.

Approved March 16, 1869.

CHAPTER 2302.

AN ACT concerning the Police Court of Glasgow, in Barren County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Glasgow, in Barren county, and the laws amendatory thereto, be now so amended as that hereafter all causes and prosecutions of every kind returned for trial before the police judge of Glasgow, and of which he has jurisdiction, shall be tried, adjudged, and determined by him without the intervention of a jury; and all laws allowing juries to be empaneled in the court aforesaid to try any cause or causes, or prosecution therein pending, are hereby repealed; but either party to any civil suit tried and determined in said court, shall have the right of appeal from such decision to any court having appellate jurisdiction, under the same rules, regulations, and restrictions, as now allowed by law; and in all cases where the Commonwealth is a party, either the attorney for the county in behalf of the Commonwealth, or the defendant, may take an appeal to the quarterly or circuit court of Barren county, when the finding and judgment of the said police court shall be against the defendant for any amount over five dollars.

§ 2. This act shall take effect from its passage.

Approved March 16, 1869.

CHAPTER 2304.

AN ACT authorizing the Trustees of the Town of Bowling Green to grant Coffee-house License.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Bowling Green are hereby authorized to grant coffee-house license to any

person in said town upon such terms and conditions as may be prescribed by the by-laws of said town, and by the laws of this Commonwealth now in force or hereafter enacted.

1869.

§ 2. This act to take effect from its passage.

Approved March 16, 1869.

The following became a law without the approval of the Governor, he not having returned it to the House, in which it originated, in the time required by the Constitution, viz :

CHAPTER 2305.

AN ACT to increase the jurisdiction of Justices of the Peace in Civil District No. 4, in Fulton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the courts of justices of the peace in and for civil district No. 4, in Fulton county, shall have jurisdiction concurrent with the circuit and quarterly courts of Fulton county in all actions and proceedings for the recovery of money or personal property where the matter in controversy, exclusive of interest and costs, does not exceed one hundred dollars in value, and in other cases specially provided by statute.

§ 2. All proceedings before said justices for any amount shall be in the manner now regulating proceedings in justices' courts, and appeals shall lie as now provided by law: *Provided*, That in all cases exceeding fifty dollars, the justice issuing the warrant on the same shall collect fifty cents, the State tax on the same, from the plaintiff, and pay the same over to the trustee of the jury fund within six months, which shall be taxed as part of plaintiff's costs.

§ 3. This act shall take effect from and after its passage.

Approved March 16, 1869.

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